

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12802 of 2020

Arising Out of PS. Case No.-191 Year-2019 Thana- HARNAUT District- Nalanda

Dilip Sao Son of Late Bhagwan Sao Resident of Village - Gonawan, Police
Station - Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dr. Ajeet Kumar, Advocate
For the Opposite Party/s	:	Mr.Md. Matloob Rab, APP
For the Informant	:	Mr. Devendra Kumar Sinha, Senior Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Dr. Ajeet Kumar, learned counsel for the petitioner, Md. Matloob Rab, learned APP for the State and Mr. Devendra Kumar Sinha, learned Senior counsel appearing for the informant.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 448, 341, 504, 323, 307 and 302/34 of the Indian Penal Code.

The prosecution case, as per the fardbeyan of Yadunandan Saw recorded by S.I., Amit Kumar in PMCH T.O.P. on 14.05.2019 at 2.00 P.M., is to the effect that on 13.05.2019 at



4.00 P.M., the next door neighbour of the informant, Badur Sao was installing the pipe of safety tank on the land of the informant. On protest being made, co-accused Badur Sao and others started pelting stones which hit the brother of the informant, Raghunandan Sao, who was on the rooftop causing him injury and ultimately, he succumbed to the injury.

It is submitted by learned counsel for the petitioner that a statement has been made in paragraph 2 of the petition that the petitioner has not moved for anticipatory bail but in fact, he has moved for anticipatory bail before the court to that effect and a supplementary affidavit has been filed, which is on record. The accusation is omnibus and general of pelting stones against all the accused persons including the petitioner. Co-accused Badur Sao has been granted bail by Co-ordinate bench of this Court vide Cr. Misc. No. 50815 of 2019, whereas co-accused Sharwan Sao and Lalit Sao have been granted anticipatory bail in pursuance to the observation passed in Cr. Misc. No. 60662 of 2019 by a Co-ordinate bench of this Court and the case of the petitioner is on better footing. The petitioner is languishing in custody since 17.12.2019 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Mr. Devendra Kumar Sinha, learned Senior counsel appearing for the informant submits that other co-accused persons were granted bail during course of investigation but now the trial is on the advance stage and only I.O. and doctor are left to be examined and they will be examined very soon.

Learned APP for the State submits that since the trial is on the advance stage, the case of the petitioner is distinguished that of the other co-accused persons, who have been granted bail.

Considering the accusation being omnibus and general, similar situated co-accused persons have been granted bail and the fact that investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Sessions Judge, Nalanda at Biharsharif in connection with Sessions Trial No. 482 of 2019, arising out of Harnaut P.S. Case No. 191 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the



surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Sessions Judge, Nalanda at Biharsharif in connection with Sessions Trial No. 482 of 2019, arising out of Harnaut P.S. Case No. 191 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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