

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17918 of 2020**

Arising Out of PS. Case No.-281 Year-2019 Thana- NARPATGANJ District- Araria

Jhantu Malak @ Jhantu Balak @ Jhantu Kumar @ Ghantu Palak @ Ghantu Kumar, Son of Dayal Molak @ Dayal Malak, Resident of Village - Bela Refugee Colony/ Refugee Colony, Ward No.03, Bela, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), Distt.- Araria. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Narpatganj (Basmatiya) P.S. Case No. 281 of 2019 registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that a bare perusal of the First Information Report would show that there are general and omnibus allegations against 62 named accused persons saying that all of them had come lashed with weapons and assaulted upon the father and brother of the informant.



Learned counsel submits that so far as this petitioner is concerned no specific overt act has been alleged against him and the co-accused similarly situated have been granted privilege of regular bail by learned co-ordinate Benches of this Court, some of the orders passed in this regard have been brought on record as Annexure '2 series' from Page No. 17 to Page No. 48 of the present application.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but has accepted that the petitioner is similarly situated to those who have been granted privilege of regular bail under various orders.

Considering the facts and circumstances of the case, wherein there is no specific allegation of commission of the overt act is there against the petitioner and admittedly the similarly situated co-accused have been granted privilege of regular bail by learned co-ordinate Benches of this Court, let the petitioner above named be released on bail in connection with Narpatganj (Basmatiya) P.S. Case No. 281 of 2019 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

