

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26220 of 2020**

Arising Out of PS. Case No.-214 Year-2019 Thana- SUGAULI District- East Champaran

SRI NARAYAN SAH Son of Jamadar Sah Resident of Village- Sri
Bhatwaliya, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate

For the Opposite Party/s : Ms. Renuka Ratnakar, APP

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

4 13-11-2020 Heard learned counsel for the petitioner and Ms. Renuka
Ratnakar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sugauli P.S. Case No. 214 of 2019 registered for the offences punishable under Sections 314, 323, 302, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner and the informant's side are co-sharers and as per allegations, the alleged quarrel had taken place on account of a land dispute.

Learned counsel submits that in the First Information Report there are general and omnibus allegations against altogether five accused persons that they had assaulted the deceased by lathi and brick pieces. It is alleged that co-accused Jamadar Shah, Krishna Kumar and this petitioner had assaulted the deceased by lathi on his



head but the post mortem report does not show three injuries on the head of the deceased and, therefore, it is a case of over-implication of the accused with the aid of Section 34 I.P.C.

Learned counsel submits that having noticed that there is a general and omnibus allegation in the FIR, the co-accused have been granted regular bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 77070 of 2019 vide order dated 13.01.2020. This petitioner is in custody in connection with this case since 22.02.2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein there are general and omnibus allegations against the accused and on noticing this the learned Co-ordinate Bench of this Court had granted regular bail to the co-accused who is similarly situated to the petitioner after six months of his custody and the petitioner has remained in jail for about nine months, there is no submission on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Sugauli P.S. Case No. 214 of 2019, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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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'.

