

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25798 of 2020

Arising Out of PS. Case No.-396 Year-2019 Thana- SHIVSAGAR District- Rohtas

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Babu Ram @ Babu Ram Gond @ Nandlal Gond Son of Shiv Gond @ Shiv Gaud Resident of Village - Alampur, P.S.- Sheo Sagar (Baddi), District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 04-12-2020 This matter has been taken up in virtual Court proceeding.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341/323/325/307/504/506 of the Indian Penal Code.

According to FIR, the petitioner allegedly assaulted to the father of the informant at the head on 07.12.2019. However, no FIR was lodged till before 21.12.2019. The injured was admitted to the hospital at Varanasi on 10.12.2019 and he died during course of treatment on 23.01.2020.

Learned counsel for the petitioner submits that the



family members of the deceased have supported the allegation due to land dispute and only after death from injury sustained elsewhere the present false case has been lodged. There is no direct nexus between the act alleged against the petitioner and the death; rather delay in lodging the FIR would also create serious doubt on the prosecution version.

Considering the entire facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court-below where the case is pending in connection with Sheo Sagar (Baddi) Police Station Case No. 396 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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