

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27268 of 2020**

Arising Out of PS. Case No.-494 Year-2015 Thana- SONEPUR District- Saran

Mithu Das, Son of Sanichar Das, Resident of Village- Bara Mahuara, P.S.-
Aurai, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Advocate

For the Opposite Party/s : Mr.Chaubey Jawahar, A.P.P.

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

4 14-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Chaubey Jawahar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with S.Tr. No. 8020/2020 arising out of Sonepur P.S.
Case No. 494 of 2015 registered for the offence under Sections
302, 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant got information about death of his elder brother
Swarath Paswan and the dead body was lying in Diara opposite
Anta Ghat Sabji Mandi. He reached there and got information



about the dispute between the deceased and the accused persons. The informant suspected the hands of the petitioner and the other accused persons in the alleged occurrence.

Learned counsel submits that there is general and omnibus kind of allegation against the petitioner and other co-accused persons. Only suspicion has been raised against the petitioner. There is no eye witness to the alleged occurrence. It is further submitted that other co-accused persons have been granted bail by this Hon'ble Court and the petitioner has otherwise no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that there is general and omnibus allegation against the petitioner and other co-accused and so far as other co-accused are concerned they have been granted bail by the learned co-ordinate Benches of this Court in Cr. Misc. No. 30440 of 2016 and Cr. Misc. No. 31475 of 2016, after noticing the materials in the case diary and then this petitioner has remained in jail for 10 months, the trial is not likely to be concluded in near future and the learned A.P.P. for the State is



unable to draw any distinction between the case of this petitioner and that of those who have been granted bail, there being no submission on behalf of the State that the release of the petitioner at this stage is like to interfere with the course of evidence or trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.1st, Saran in connection with S.Tr. No. 8020/2020 arising out of Sonapur P.S. Case No. 494 of 2015, 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 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 step for cancellation of bail bond of the petitioner.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

