

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27979 of 2020**

Arising Out of PS. Case No.-126 Year-2017 Thana- DULHIN BAZAR District- Patna

1. LALESHWAR PRASAD SINGH S/O Late Raj Ballam Rai Resident of Village - Chhihattar, P.S. - Maner, District - Patna.
2. Rana Pratap Singh S/O Late Raj Ballam Rai Resident of Village - Chhihattar, P.S. - Maner, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar Gupta, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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

4 22-12-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Dulhin Bazar P.S. Case No.126 of 2017 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that there is no specific allegation of commission of any overt act against these petitioners and there is no independent witness to the alleged occurrence. It is submitted that the petitioners have no criminal antecedent and they are in custody since 30.04.2020 and 11.05.2020 respectively.

Learned APP for the State has opposed the prayer for



regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein these petitioners have been named along with six other accused and it is alleged that all of them were seen assaulting the brother of the informant, but learned APP for the State having gone through the case diary has informed this Court that the brother of the informant died as a result of one head injury and so far as these petitioners are concerned, there is no specific allegation against them of commission of any overt act, there is no independent witness otherwise on record alleging against these petitioners and there being submission that brother of the informant had died in course of an accident by a motorcycle in which he had sustained head injury, petitioners have otherwise no criminal and have remained in jail from 30.04.2020 and 11.05.2020 respectively, investigation against them is complete but the trial is not likely to be concluded in near future, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Danapur in connection with Dulhin Bazar P.S. Case No.126 of 2017, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

And further condition that they 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)

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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'.

