

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32705 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- SABAUR District- Bhagalpur

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Santosh Tanti aged about 67 years, male, son of Atwari Tanti, resident of village - Mamalkha, Police Station - Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mrs. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-12-2020 Heard Dr. Manoj Kumar, learned counsel for the petitioner and Mrs. Rina Sinha, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Sabour P.S. Case No. 16 of 2020 registered for the offence under Section 341 / 323 / 504 / 506 / 307 / 379 / 34 of the I.P.C. and later on Section 302 of the I.P.C. was added.

The allegation as per the First Information Report is that on 16.01.2020 at about 6.00 A.M. the named accused persons including the petitioner armed with iron rod, lathi & danda arrived at the door of the informant and assaulted the father of the informant and his brother- Dablu Tanti with rod,



lathi and danda. It has further been alleged that the co-accused/ Lalu Tanti assaulted the father of the informant with rod as a result of which he sustained head injury and fell down and subsequently died during the course of treatment.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and both the parties are agnates and some altercation had taken place between the informant and his cousin on the issue of demand of Rs. 20/-. Learned counsel further submits that allegation against the petitioner is general and omnibus in nature and there is specific allegation of assault upon the co-accused: Lalu Tanti on the head of the father of the informant and the cause of death of the victim is the head injury as would be evident from the impugned order. Learned counsel further submits that there is case and counter case between the parties inasmuch as Sabour P.S. Case No. 17 of 2020 was lodged by the side of the petitioner against the informant and others. Learned counsel further submits that petitioner is an old person of 67 years of age and he is in custody since 30.04.2020.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that general and omnibus allegation has been



levelled against the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate , Bhagalpur in connection with Sabour P.S. Case No. 16 of 2020 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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