

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34074 of 2020**

Arising Out of PS. Case No.-7 Year-2020 Thana- DARIYAPUR District- Saran

1. AMOD RAI Son of LATE RAMJIWAN RAI Resident of Village - Rampur Jaiti , P.S.- and P.O.- Dariyapur, Distt.- Saran.
2. RAJKUMAR RAI Son of Late Ramjiwan Rai Resident of Village - Rampur Jaiti , P.S.- and P.O.- Dariyapur, Distt.- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Saket Anand, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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

2 15-12-2020 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Saket Anand, learned counsel for the petitioners and Ms. Veena Kumari Jaiswal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Dariyapur P.S. Case No. 07 of 2020 registered for the offences punishable under Section 302, 34 of the Indian Penal Code.

Learned counsel for the petitioners has taken this Court through the allegations made in the First Information



Report. It is his submission that the informant has lodged the F.I.R. on mere hearsay, he is not an eye witness, however from a bare reading of the F.I.R. it will appear that the allegations have been made with sole intention to implicate each and every member of the family of the petitioners. So far as these two petitioners are concerned, it is submitted that as per the F.I.R. they had caught the deceased by his waist and hand respectively. The allegation of commission of overt act has been specifically made against the co-accused Banaras Rai and Nanu Rai who had assaulted the deceased by a dagger.

Learned counsel submits that on finding that the co-accused Raja Babu and Ravi Kumar had not committed any overt act, though they were also involved in the case in similar manner, a learned coordinate Bench of this court has after going through the materials available on the record including the case diary, granted bail to said co-accused Raja Babu and Ravi Kumar in Cr. Misc. No. 21319/2020. Learned counsel submits that so far as these two petitioners are concerned, they stand on similar footing with the co-accused who have already been granted privilege of bail. It is informed that the petitioners have remained in jail for more than 11 months, investigation against them is complete and the trial is not likely to conclude in near



future.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioners, after going through the materials on the record, the allegation against these petitioners and then the fact that similarly situated co-accused have been granted privilege of bail by a learned coordinate Bench of this Court and the trial is not likely to conclude in near future, there being no argument on behalf of the State that release of the petitioners at this stage is likely to result in tampering with the evidence or interfering with the course of trial and the petitioners have no criminal antecedent, 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 Chief Judicial Magistrate, Chapra at Saran, in connection with Dariyapur P.S. Case No. 07 of 2020, 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)

Rajeev/-

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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'.

