

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35191 of 2020

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

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DAROGA RAI S/o Late Ramjivan Rai Resident of Village- Rampur Jaiti,
P.S.- and P.O.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that while the



informant along with his brother was regressing to his house from Bharahopur market and when they reached near the house of the petitioner, the petitioner along with other co-accused caught hold of his brother, Ranjan Kumar and on the order of the petitioner other co-accused attacked on the neck of his brother by means of knife resultantly he fell down. When the informant along with other brother rushed in his recuse they also assaulted him and threatened to go away otherwise they would kill them. His brother Ranjan Kumar lying in pool of blood was carried to hospital but died on the way.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. No overt act has been attributed against the petitioner. It is further submitted that from perusal of the F.I.R., it appears that petitioner is an order giver. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Co-accused, namely, Raja Babu and Ravi Kumar have been enlarged on bail by a co-ordinate bench of this court vide order dated 04.09.2020 passed in Cr. Misc. No. 21319 of 2020. The petitioner has no criminal antecedent and has been languishing in custody since 27.01.2020.



Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Dariyapur P.S. Case No.07 of 2020.

(Anjani Kumar Sharan, J)

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