

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67253 of 2019

Arising Out of PS. Case No.-684 Year-2018 Thana- AMARPUR District- Banka

Narayan Sah, Son of Late Jagdish Sah, Resident of Village- Banarjhop, P.S.-
Fullidumar, District- Banka (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar Singh, A.P.P.
For the Informant	:	Mr. Ranjan Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-01-2020 Heard learned counsel for the petitioner and learned
counsel representing the informant as well as learned A.P.P. for
the State.

Petitioner in the present case is seeking regular bail in
connection with Amarpur (Fullidumar) P.S. Case No. 684 of
2018 registered for the offences punishable under Sections 364,
302, 120(B), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that so far
as this petitioner is concerned, he is similarly situated to the co-
accused Vinod Kumar Tanti and Manoj Yadav as also the co-
accused Anil Sah and Vakil Tanti all of whom have been granted
regular bail by different learned Co-ordinate Benches of this
Court. It is submitted that while hearing one of the bail



applications, a learned Co-ordinate Bench of this Court had taken note of the material collected in paragraph 6 of the case diary wherein the allegations were found to have been made against unknown criminals.

Learned counsel submits that the alleged occurrence is said to have taken place on 22nd December, 2018 in between 2-3 P.M. but no information was given to the Police Station and in fact it has come in course of investigation that brother of the deceased had informed the police that the deceased was taken away by unknown criminals. The present F.I.R. has been lodged only on 24.12.2018 at 9.00 P.M. after the dead body of the deceased was recovered.

Learned counsel for the informant has opposed the prayer for regular bail as according to him it was the laches on the part of the police in not registering the F.I.R. and, therefore, the petitioner does not deserve privilege of regular bail. Learned counsel for the informant, however, is unable to demonstrate that the case of the petitioner is not similarly situated to the co-accused who have been granted regular bail by a learned Co-ordinate Bench and/or there is any other material to connect the petitioner.

Considering the facts and circumstances of the case,



the submission of learned counsel for the parties wherein it has come that the co-accused similarly situated have been granted regular bail by a learned Co-ordinate Bench of this Court and that the F.I.R. was registered only after the dead body was recovered after a delay of about 21 hours, let the petitioner above named be released on bail in connection with Amarpur (Fullidumar) P.S. Case No. 684 of 2018 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, 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 subject to the further condition that in course of



trial the petitioner must appear on the date fixed in the matter
and two consecutive absence on the date fixed in the trial will
invite cancellation of bail.

(Rajeev Ranjan Prasad, J)

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