

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83771 of 2019

Arising Out of PS. Case No.-303 Year-2018 Thana- BAHADURPUR District- Darbhanga

BIRO LAL DEV S/o Late Shivjee Lal Dev R/o Mohalla/Village- Dekuli
Chatti, P.S.- Bahadurpur (Sonki O.P.), Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-02-2020 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Earlier also, petitioner had moved this Court for grant of regular bail which was rejected vide Annexue 2 with a direction to the trial court to expedite the trial and conclude the same within one year and if trial is not concluded within said period, petitioner would be at liberty to renew his prayer for bail.

It is submitted on behalf of petitioner that there is land dispute between the parties and disputed land remained throughout in his possession and informant were aggressors. Only one lacerated injury has been found on parietal region



which also does not corroborate allegation as made in FIR against petitioner. It has been further submitted that four witnesses have been examined by the prosecution side but time of occurrence and place of occurrence could not be ascertained. Informant and husband of the deceased could not identify the petitioner and has stated that petitioner was not present at the time of occurrence. Petitioner has no criminal antecedent and he is in custody since 04.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with S.T. No.516/18 arising out of Bahadurpur (Sonki O.P.) P.S. Case No. 303 of 2018 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

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