

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13472 of 2021

Arising Out of PS. Case No.-130 Year-2020 Thana- FATEHPUR District- Gaya

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PRAKASH KUMAR Son of Jagdeo Prasad Resident of Village - Adar
Kichak, P.S.- Fatehpur, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Prithivi Raj Singh, Advocate
For the Opposite Party/s :	Mr.Mrigendra Kumar Ramashish
	Mr.Chandra Sen Prasad Singh
	Mr.Mirtyunjay Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2021 Heard learned counsels appearing for the parties.

The petitioner seeks bail in connection with Fatehpur P.S.
Case No.130 of 2020 registered for the offence punishable
under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302
and 120(B) of the IPC.

There is an allegation that altogether 17 persons including
the petitioner have assaulted the informant's cousin and other
family members. The dispute is based on filling of a well of
which the entire villagers claim to be beneficiaries.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. He has been falsely implicated in this case
due to dirty village politics. There is no specific overt act



alleged against the petitioner rather there is a general and omnibus allegation against the petitioner along with 17 accused persons. Petitioner is neither arrested on the spot nor any incriminating article has been recovered from his conscious physical possession. Similarly situated co-accused namely Surendra Prasad and Musafir Mahto have been granted bail vide order dated 26.07.2021 passed in Cr. Misc. No.11155 of 2021 and Punna Mahto has been granted bail vide order dated 21.09.2021 passed in Cr. Misc. No.37204 of 2021 by co-ordinate Benches of this Court. The petitioner has no criminal antecedent and has been languishing in custody since 22.06.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since similarly situated co-accused persons have been granted bail, 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 A.C.J.M. 10th Gaya, in connection with Fatehpur P.S. Case No.130 of 2020, subject to the following conditions:

- (1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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