

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15541 of 2021**

Arising Out of PS. Case No.-23 Year-2020 Thana- HASANPUR District- Samastipur

Rohit Das Son of Late Rambadan Das Resident of Village - Phulhara, P.S.-
Hasanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar

For the Opposite Party/s : Mr.Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 11-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Hasanpur P.S. Case No. 23 of 2020, registered for the offence under Sections 302/120B/34 of the Indian Penal Code.

As per the prosecution case, on 26.01.2020 at about 9:00 PM, the petitioner and co-accused Chandan Mahto called the husband of the informant and thereafter, the husband of informant went with them, but he did not return and in the next morning, the husband of the informant was found in the field of Krishnandan Kamati in an injured condition. It is further alleged that in course of treatment at a private hospital in Begusarai, the husband of the informant told the informant that co-accused namely Panma Devi, Kavita Devi and Lalit Rai assaulted him



with *lathi*, *danda* and bricks, as a result of which, while he was being taken to P.M.C.H., Patna, in the way, the husband of the informant died.

It is submitted on behalf of petitioner that as per F.I.R. itself, the allegation of assault is against other co-accused persons, whereas, petitioner is not alleged to have assaulted the deceased. Only allegation against this petitioner is that he alongwith co-accused Chandan Mahto took away the husband of the informant with them. It is further submitted that though, the alleged occurrence has taken place on 26.01.2020, but the F.I.R. has been lodged on 03.02.2020 and there is no explanation of delay. Petitioner is in custody since 29.06.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge - I, Rosera, Samastipur in connection with Hasanpur P.S. Case No. 23 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and



every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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