

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14486 of 2021**

Arising Out of PS. Case No.-347 Year-2019 Thana- MAJHAULIA District- West Champaran

TAJ DEWAN Son of Late Hanif Dewan Resident of Village - Karamawa
Dewan Tola, P.S.- Majhauria, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilshwar Kumar Shrivastva, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioner submits that there is a typographical error with respect to the year of the case and the name of the police station. It should be Majhauria P.S. Case No.347 of 2019.

Let the correction be carried out in the first paragraph as well as the prayer portion of the application and it should be read as Majhauria P.S. Case No.347 of 2019.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in



connection with Majhauria P.S. Case No.347 of 2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that on a bare reading of the First Information Report it would appear that the thrust of the allegations are against the husband of the deceased who had allegedly been torturing the sister of the informant and had entered into a second marriage. Submission is that at the fag end of the FIR all the family members of the husband have been made accused on a general and omnibus kind of the allegation that all of them had killed the sister of the informant.

Learned counsel submits that this petitioner is uncle of the husband of the deceased and he lives separately for about 15 years and has been in custody in connection with the present case for over one and half year.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that on a bare reading of the First Information Report it would appear that the thrust of the allegations are against the



husband of the deceased who had allegedly been torturing the sister of the informant and had entered into a second marriage, submission being that at the fag end of the FIR all the family members of the husband have been made accused on a general and omnibus kind of the allegation that all of them had killed the sister of the informant, further submission being that this petitioner is uncle of the husband of the deceased and he lives separately for about 15 years and has been in custody in connection with the present case for over one and half year, investigation against him is complete but the trial is not likely to be concluded in near future, considering the entirety of the submissions, the relationship of the petitioner with the husband being that of uncle and the allegations being general and omnibus as also custody of the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauria P.S. Case No.347/2019, 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 further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

