

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16352 of 2021**

Arising Out of PS. Case No.-120 Year-2019 Thana- BANGAWON District- Saharsa

ROHIT KUMAR Son of Late Bablu Chaudhary @ Late Raj Kumar Choudhary Resident of Village- Safawad Bariyahi Bazar, Ward No.03, P.S.- Bangaon, District- Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh No. 5, APP

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

2 01-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Arun Kumar Singh No. 5, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bangaon P.S. Case No. 120 of 2019 registered for the offences punishable under Sections 304, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the brother of the informant (deceased) entered into scuffle with his wife, son and daughter because of some domestic dispute. It is alleged that wife of deceased and son of the deceased assaulted the deceased by means of lathi-



danda whereupon he became unconscious and blood was coming from his ear and head and he died on the spot.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that co-accused Raniya Devi wife of the deceased have already been granted bail in Cri. Misc. No. 16129 of 2020 by a learned Co-ordinate Bench of this Court. The petitioner is in jail since 14.12.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner has submitted that the alleged occurrence seems to have taken place in course of a domestic dispute between the father, mother, son and daughter and it has come that the deceased was in drunken condition and for that reason the said scuffle had taken place, the case has been registered under Section 304/34 IPC because there was no intention to kill the deceased, a learned coordinate Bench has granted regular bail to co-accused Raniya Devi who is similarly situated with the present petitioner and learned counsel for the petitioner has relied upon the said order dated 02.06.2020 passed in Cri. Misc. No. 16129 of 2020 to submit



that the petitioner deserves the privilege of bail being similarly situated as he is in custody since 14.02.2020, investigation against him is complete but the trial is not likely to be concluded in near future, in these circumstances, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Saharsa in connection with Bangaon P.S. Case No. 120 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'

