

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17969 of 2021**

Arising Out of PS. Case No.-699 Year-2019 Thana- JAMUI District- Jamui

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ALOK SAW Son of Jangali Saw Resident of Village- Chhathu Dhanama,
P.S.- Jamui, District- Jamui.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Narsingh Tanti, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-07-2021 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.

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

Petitioner in the present case is seeking regular bail in connection with Jamui P.S. Case No. 699 of 2019 registered for the offences punishable under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code.

As per the prosecution story, on 31.02.2019, the petitioner along with others took away the father of the informant. At about 5.00 pm when the informant heard the sound of firing and came out of his house he found the F.I.R.



named co-accused were holding the father of the informant and they had killed him. The informant, however, could not identify the three-four other persons.

Learned counsel for the petitioner submits that in the First Information Report it is alleged that this petitioner and co-accused Parmanand Mandal had called the father of the informant and at their instance he had gone outside the house whereafter the informant heard the sound of firing and when he came out of his house he found the co-accused mentioned at serial no. 3 to 9 were holding the father of the informant and they had killed him under the conspiracy. The informant, however, could not identify the three-four other persons.

Learned counsel submits that from the prosecution story itself it would appear that when the informant came outside his house he saw the co-accused with his father but not this petitioner. The similarly situated accused Parmanand Mandal has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 1438 of 2021 and co-accused Narayan Yadav has also been granted bail in Cr. Misc. No 29836 of 2020.

Learned counsel submits that the petitioner has no criminal antecedent and he is in custody in connection with this



case since 23.06.2020.

On the other hand, learned counsel for the informant and learned A.P.P. for the State have opposed the prayer for bail of the petitioner. It is submitted that this petitioner was seen having a katta in his hand and he was present at the place of occurrence.

Considering the facts and circumstances of the case wherein from reading of the F.I.R. itself it appears that the informant has named the co-accused mentioned at serial no. 3 to serial no. 9 saying that they were holding the father of the informant, the name of the petitioner has been brought as one of the conspirators, however, the co-accused similarly situated have been granted bail by learned co-ordinate Benches of this Court, the petitioner has no criminal antecedent and at this stage the investigation is complete, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui in connection with Jamui P.S. Case No. 699 of 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.

This application stands disposed of accordingly.

(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'.

