

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.17876 of 2021

Arising Out of PS. Case No.-469 Year-2019 Thana- RANIGANJ District- Araria

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1. HAPPAN LAL BASKI @ HAPPANA BASKI SON OF PALATAN BASKI
RESIDENT OF VILLAGE- MAJUWA WEST MAHADEOPUR GOPAL
TOLA WARD NO. 08, POLICE STATION- RANIGANJ, DISTRICT-
ARARIA
 2. TALLU TUDDU @ JITENDRA TUDDU SON OF NAND LAL TUDDU
RESIDENT OF VILLAGE- MAJUWA WEST MAHADEOPUR GOPAL
TOLA WARD NO. 08, POLICE STATION- RANIGANJ, DISTRICT-
ARARIA
 3. SHIVLAL TUDDU SON OF NAND LAL TUDDU RESIDENT OF
VILLAGE- MAJUWA WEST MAHADEOPUR GOPAL TOLA WARD NO.
08, POLICE STATION- RANIGANJ, DISTRICT- ARARIA

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

2 02-07-2021 Learned counsel for the petitioners 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 petitioners and Md. Fahimuddin, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Raniganj P.S. Case No. 469 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 452, 307, 302 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, on 22.12.2019 due to prior grudge for land dispute, all



the accused persons came to the courtyard of the informant lashed with lathi and danda and assaulted the brother and sister-in-law of the informant, as a result of which the brother of the informant namely Rohit Tuddu died.

Learned counsel submits that the petitioners are innocent and has falsely been implicated in the present case. It is submitted that there is general and omnibus kind of allegation against these petitioners. The petitioners are in custody since 23.12.2019 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that there is a general and omnibus kind of allegation against the petitioners, the submission has not been controverted by learned APP for the State, the petitioners have remained in jail in connection with this case since 23.12.2019, the post-mortem report shows only two injuries as against the allegations that five accused persons have participated in the alleged occurrence and all of them have assaulted to the brother of the informant, the petitioners having remained in custody for over one and half year and investigation against them is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioners 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-VI, Araria in connection with Raniganj P.S. Case No. 469 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 petitioners and in case at any stage it is found that the petitioners have concealed their 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'.

