

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19555 of 2021**

Arising Out of PS. Case No.-71 Year-2020 Thana- SUPAUL District- Supaul

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DEO NANDAN SARDAR, S/O PRITHVI LAL SARDAR @ PIRTI
SARDAR, R/o village- Nirmali, P.S.- Pipra, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Ms. Patla Kumari, Advocate Mr.Akhouri Vipin Bihari Shrivastava, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-08-2021 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 and Mr. Binod Kumar No.2, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Supaul P.S. Case No. 71 of 2020 registered for the offence punishable under Section 323, 304, 34 of the Indian Penal Code. He is in custody since 14.11.2020.

In the present case, as per the F.I.R. lodged on 02.02.2020, the husband of the informant was found fallen near Gaurbgadh Canal Pull on 29.01.2020 at 7.00 P.M. He was returning from his duty. This was brought to the notice of the

informant by a co-villager Santosh Thakur whereafter the informant along with said Santosh Thakur took her husband to a hospital at Supaul where his condition was found serious. He was taken to the clinic of one Dr. Gopal Sharan at Saharsa where he was being treated. Her husband was working in Bajaj Company and in course of his treatment while blood was being transfused he regained consciousness and told to the informant that the two persons including this petitioner from his office had dashed him as a result whereof the husband of the informant fell down from his bicycle, nobody helped him thereafter and they fled away. According to the informant, after saying this much to her, her husband again became unconscious and ultimately died on 31.01.2020 at 7.00 P.M.

Learned counsel for the petitioner submits that the alleged occurrence is of 29.01.2020, on the same date the informant came to know this accident which her husband met and he was taken to the clinic of a Doctor. No information was given to Police in this regard, her husband died on 31.07.2020 but two days thereafter the F.I.R. has been lodged. There is no explanation of this delay.

Learned counsel further submits that this petitioner is not an employee of Bajaj Company rather he is working with

HRD (Jivika) and this fact has been noticed in the impugned order.

Learned counsel further submits that the learned Additional District and Sessions Judge VI, Supaul while rejecting the prayer for bail of the petitioner has though held that the statement of the husband of the informant would not come in the category of 'dying declaration' but at the same time rejected the prayer for bail of the petitioner taking a view that it would come within the purview of "circumstances of transaction."

Learned counsel submits that no other material has been referred by the learned Additional District and Sessions Judge VI, Supaul in the impugned order to corroborate the allegations.

It is her further submission that in any case the investigation against the petitioner is complete and his release is not likely to come in way of smooth progress in trial, the petitioner has otherwise no criminal antecedent.

Mr. Binod Kumar No. 2, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case, the submissions noted hereinabove and that the investigation

against the petitioner is complete, in the nature of the materials before this Court, this Court directs release of the petitioner above named 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, Supaul in connection with Supaul P.S. Case No. 71 of 2020, 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'.