

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20991 of 2021**

Arising Out of PS. Case No.-67 Year-2019 Thana- BELCHHI District- Patna

1. Atish Kumar @ Satish Kumar @ Atish Raut ,S/o Kamlesh Raut @ Kamlesh Jugeshwar Raut, R/o village- Bakara, P.S.- Bind, District- Nalanda
2. Amalesh Raut @ Abadhesh Raut @ Avdhesh Raut, S/o Bhagwat Raut @ Bhago Raut, R/o village- Bakara, P.S.- Bind, District- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-08-2021 Learned counsel for the petitioners 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. Bharat Lal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Belchhi P.S. Case No. 67 of 2019 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 307, 302, 504 of the Indian Penal Code.

The prosecution case in brief, as contained in the fardbeyan of informant, Pintu Kumar, is that on 02.11.2019 at about 9:00 AM, the informant went to plough his land at Gangti with the help of the tractor. In the meantime, Ram Pravesh Raut

including the petitioners have arrived there with arms and ammunition and started abusing him and also stopped his ploughing work. The accused persons have assaulted the father of the informant by rod and when the brother of the informant, namely, Chintu Kumar tried to rescue him, they all have brutally assaulted Chintu Kumar. Chintu Kumar died in Emergency Ward on 03.11.2019 at about 1:30 AM.

Learned counsel for the petitioner submits that altogether 18 persons including the petitioners have been named in the FIR with allegation that they assaulted the brother of the informant with lathi. However, on the other hand, post-mortem report of the deceased reveals mainly three external injuries and on dissection, injuries of head has been stated to be fatal.

Learned counsel submits that on going through the allegation made in the FIR are general and omnibus, no overt act has been alleged against the petitioner. There is old land dispute between the parties. Similarly situated co-accused, namely Ghanshyam Raut, Sanjeev Raut and Rohit Kewat have been granted bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 15215 of 2020, Cr. Misc. No. 27507 of 2020 and Cr. Misc. No. 28494 of 2020, the petitioners have otherwise no

criminal antecedent and have remained in custody in connection with this case since 11.12.2020

Mr. Bharat Lal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that there are general and omnibus kinds of allegation against 18 named accused in the F.I.R., in view of the general and omnibus allegation some of the co-accused, namely, Ghanshyam Raut, Sanjeev Raut and Rohit Kewat have been granted bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 15215 of 2020, Cr. Misc. No. 27507 of 2020 and Cr. Misc. No. 28494 .of 2020, the petitioners have otherwise no criminal antecedent and have remained in custody in connection with this case since 11.12.2020, investigation against them is complete but the trial is not likely to take place in near future, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh in connection with Belchhi P.S. Case No. 67 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 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 petitioners. 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)

vats/-

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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'.