

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20967 of 2021**

Arising Out of PS. Case No.-698 Year-2020 Thana- SUPAUL District- Supaul

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ALOK KUMAR @ SONU KUMAR @ SANU SINGH, Son of Indra Dev Singh, Resident of Ward No. 09, Nagar Parishad Supaul, P.S. and District - Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

2 09-07-2021 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 and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Supaul P.S. Case No. 698 of 2020 registered for the offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code.

The prosecution story in short is that one Pramod Yadav submitted a written report to the Incharge of Supaul Police Station alleging therein that on a petty dispute between the two sides the deceased, informant and co-villagers went at the door of Pradeep



Yadav for Panchayat. It is further alleged that after Panchayati on the request of Pradeep Yadav the deceased and the informant after taking meal took rest at the Darwaja of Pradeep Yadav. It is further alleged that in the night he woke up on the sound of his brother and saw that the petitioner including the F.I.R. named and unknown co-accused persons are dragging his brother and stabbing with their sharp pointed weapons. It is further alleged that the petitioner and co-accused Prabhu Kamat kept confined the informant till 4.00 A.M. after tying him with Gamcha. It is further alleged that some time after the occurrence he fled away from the place of occurrence and came to his village and after informing the villagers about the occurrence and came to the place of occurrence where he learnt that police took the dead body from there.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation of stabbing against the petitioner. There is no specific overt act alleged against the petitioner that on which part of the body the petitioner gave blow which is fatal for death of the deceased. The petitioner is in custody since 07.12.2020 having no criminal antecedent.

Mr. Akhileshwar Dayal, 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 from a bare reading of the First Information Report it appears that so far as this petitioner is concerned he is named with co-accused Prabhu Kamat and Ganga Ram Yadav alleging that they had placed the pistol on the informant and had threatened him not to shout, so far as the allegation of causing assault on the brother of the informant is concerned it has been made against accused no. 4 to accused no. 16 saying that they along with some unknown persons had pulled away the brother of the informant and had assaulted him, further considering that the petitioner has got no criminal antecedent as stated in paragraph '3', he is in custody since 07.12.2020, investigation against him is complete but the trial is not likely to take place in near future, since no overt act has been alleged against the petitioner, 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 Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 698 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'.

