

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27005 of 2021**

Arising Out of PS. Case No.-367 Year-2019 Thana- KALYANPUR District- Samastipur

Rakesh Das @ Nanki Das @ Nanhki (M) aged about 35 years, S/o Surendra Das Resident of Village- Basudevpur, P.S.- Kalyanpur, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad
		Ms. Swati Kumari
For the Opposite Party/s	:	Mrs. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 30-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kalyanpur P.S. Case No. 367 of 2019, registered for the offence under Section 302/34 of the Indian Penal Code.

As per the prosecution case, while the brother of the informant was coming to his house, all the FIR named accused persons, including this petitioner, surrounded him and assaulted with *farsa* and iron rod, as a result of which, the brother of the informant sustained head injury and during course of treatment, he died.

It is submitted on behalf of petitioner that the alleged occurrence has taken place on 27.12.2019, but the FIR has been



lodged on 29.12.2019 and there is no plausible explanation for the delay. There is general and omnibus allegation of assault against this petitioner. Specific allegation of giving *farsa* blow is against co-accused Sunil Das, who has already been granted bail by this Court, vide order dated 25.01.2021 passed in Cr.Misc. No. 32028 of 2020 (Annexure -2). Co-accused namely Anil Das and Rajendra Das have also been granted bail by a coordinate Bench of this Court, vide order dated 27.11.2020 passed in Cr.Misc. No. 27832 of 2020 (Annexure – 2 series). Petitioner claims clean antecedent and he is in custody since 30.12.2019.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur in connection with Kalyanpur P.S. Case No. 367 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his



bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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