

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27872 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- KARPI District- Jehanabad

SITARAM DAS, Son of Haricharan Das, Resident of Village - Rampur Chai,
P.S.- Karpi, District - Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-10-2021 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. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with S.Tr. No. 105 of 2020 arising out of Karpi (Sahar Telpa) P.S. Case No. 83 of 2020 registered for the offence punishable under Section 341, 323, 147, 148, 149, 307, 504 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added. He is in custody since 09.05.2020. The petitioner has no criminal antecedent.

As per the prosecution story, the accused persons who were seven in numbers lashed with lathi, danda and Khanti



indulged in assault to the informant and his brother. It is alleged that when the informant's brother and nephew came to save them, they were also assaulted. Brother of the informant died in course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that earlier co-accused Nanhak Das has been granted privilege of regular bail by this Court in Cr. Misc. No. 21170 of 2021 considering the fact that the post-mortem report is showing only one injury whereas the allegations of assault are general and omnibus against seven named accused persons.

Mr. Md. Fahimuddin, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but submits that there seems to be a general and omnibus kind of allegation against the petitioner.

Having regard to the facts and circumstances in which altogether seven persons are named as accused in the F.I.R., the alleged occurrence has taken place on some trivial issues in which it is alleged that the informant and his brother were assaulted and later on the brother of the informant died in course of treatment, further considering that the co-accused similarly situated have been granted bail by this Court as well as the learned coordinate Bench and the post-mortem report shows only one injury whereas



the allegations of assault are general and omnibus against seven named accused persons, the petitioner has remained in custody for almost one and half year but at this stage the trial is not likely to be concluded in near future, 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 Additional District and Sessions Judge-VII, Jehanabad in connection with S.Tr. No. 105 of 2020 arising out of Karpi (Sahar Telpa) P.S. Case No. 83 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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)

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'.

