

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33028 of 2020**

Arising Out of PS. Case No.-577 Year-2019 Thana- SAHAYAK NAGAR District- Katihar

Ranjit Gupta @ Ranjit Kumar Tanti @ Raju, aged about 43 years, male, son of Mahendra Prasad Das, resident of Teja Tola, P.S.- Sahayak, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate
For the State	:	Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 27-01-2021

Heard Mr. Prashant Sinha, learned counsel for the petitioner and Mr. Md. Arif, learned In-charge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Sessions Trial No.52 of 2020 arising out of Katihar Town (Sahayak) PS Case No.577 of 2019 dated 02.09.2019, instituted under Sections 302/34 of the Indian Penal Code.

3. This is the second attempt for bail by the petitioner as earlier such prayer was rejected on 28.02.2020 by Hon'ble Mr. Justice Vinod Kumar Sinha, as he then was, in Cr. Misc. No.3581 of 2020.

4. Learned counsel for the petitioner submitted that though as per the allegation, the petitioner along four others is



said to have assaulted the son of the informant with brickbats resulting in his death during treatment at Siliguri, but there is false implication. It was submitted that the police have no evidence with regard to initial treatment of the deceased locally at Katihar and even in the hospital at Siliguri, where death occurred, a UD case was lodged by the informant herself in which only the name of co-accused, Jyotish Kumar, has been taken. Learned counsel submitted that after three days the present FIR has again been instituted at Katihar. Learned counsel submitted that Jyotish Kumar is the nephew of the petitioner and there is land dispute between the parties due to which there is false implication of all the persons related to Jyotish Kumar. Learned counsel submitted that similarly situated co-accused, namely, Pradip Kumar Das has been granted bail by a co-ordinate Bench on 28.05.2020 in Cr. Misc. No.773 of 2020 and another co-accused Pankaj Mandal @ Pankaj Kumar Mandal has been granted bail on 06.01.2021 in Cr. Misc. No.26172 of 2020. It was submitted that the petitioner is in custody since 12th November, 2019 having no criminal antecedent.

5. Learned APP submitted that the informant has taken the name of the petitioner as one of the assailants of her



deceased son.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-V, Katihar, in Sessions Trial No.52 of 2020 arising out of Katihar Town (Sahayak) PS Case No.577 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner shall cooperate with the Court. Failure to cooperate shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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