

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32239 of 2020

Arising Out of PS Case No.-61 Year-2020 Thana- BEERPUR District- Begusarai

Saroj Kumar, Gender-Male, Aged about 42 years, Son of Late Rabindra Prasad Yadav @ Late Rabindra Prasad, Resident of Village - Ward No. 13, West Rostama Tola, Rostama, Birpur, PS- Birpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S K Lal, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 29-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. S K Lal, learned counsel for the petitioner and Mr. Anil Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Birpur PS Case No. 61 of 2020 dated, instituted under Sections 147, 148, 149, 341, 323, 337, 338, 307, 379 and 324 of the Indian Penal Code to which later on Section 302 of the Indian Penal Code was added.

4. The allegation against the petitioner, though not named in the FIR, is of being party to the assault on the nephew of the informant which resulted in his death after two days.



5. Learned counsel for the petitioner submitted that he is not named in the FIR and during investigation it has come that he had instigated the assailants to attack the informant side. Learned counsel submitted that such instigation is falsified by the fact that the petitioner also resides in the same ward as that of the informant and the informant would have taken his name, but he has taken the name of four persons and has said that five unknown persons were there and thus, the presence of the petitioner is not possible in the absence of informant having taken his name in the FIR itself, being the resident of the same ward. It was submitted that the petitioner is a Government school teacher and has no criminal antecedent.

6. Learned APP submitted that a person has been killed due to assault and it has come during investigation that the petitioner also had a role in such incident.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 learned Chief Judicial Magistrate, Begusarai in Birpur PS Case



No. 61 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

