

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34076 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- AMBA District- Aurangabad

NEERAJ KUMAR Son of Ramdhar Sao Resident of Village - Bhaluwadi
Khurd, P.S. - Amba, District - Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar,Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-01-2021 Heard learned counsel for the petitioner and Mr.
Yogendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Amba P.S. Case No. 17 of 2020 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 447, 448, 504, 506, 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that the informant in his written report alleged that on 08.03.2020 at 05:00 P.M. while he was at his door, co-villagers named in the FIR and some unknown persons came and indulged in abuse and assault to the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is general and omnibus kind of allegation against the petitioner and no specific overt act of causing assault has been alleged against the petitioner. The petitioner is in jail



since 11.03.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein there are altogether 7 named accused persons in the FIR and some unknown accused are there, the allegations of assault upon the deceased are general and omnibus kind of allegations and learned APP for the State has confirmed that in the case diary no witness has come forward to make specific allegation against this petitioner of giving the fatal blow on the head of the brother of the informant, the petitioner has remained in jail since 11.03.2020, investigation against him is complete and there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with evidence and interfering with the course of trial, let the petitioner above-named be released 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, Aurangabad in connection with Amba P.S. Case No. 17 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(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'.

