

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37166 of 2020**

Arising Out of PS. Case No.-61 Year-2020 Thana- JADOPUR District- Gopalganj

1. Rahul Sah @ Rahul Kumar Son Of Upendra Sah R/V- Hariharpur, P.S. -
Jadipur/Yadipur, Dist - Gopalganj
2. Durgesh Sah S/O Baliram Sah R/V - Gamhariya, P.S. - Jadipur/Yadipur,
Dist - Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anant Kumar-1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 12-07-2021 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular
bail in connection with Jadipur P.S. Case No. 61/2020
registered for the offences punishable under Section 341, 323,
302, 504, 506, 34 of the Indian Penal Code.

As per prosecution story, the informant on
15.05.2020 made statement before the Police in Sadar
Hospital, Gopalganj alleging therein that while he was
returning from market after selling the vegetable, he saw that
accused persons including petitioners were digging the field,
when he made protest, Rahul Kumar said that he will kill him



and throw in ditch. It is alleged that when the father of the informant had gone to ask at the door of the accused persons then he was assaulted by fists and slaps. The accused persons also assaulted the father of the informant by lathi, danda repeatedly, he was admitted in hospital where the doctors declared him dead.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case, there is general and omnibus allegation against the petitioners, however they are in custody since 16.05.2020 having no criminal antecedent.

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

Considering the facts and circumstances of the case wherein this court has noticed that there are general and omnibus allegation against the petitioners and the co-accused, it is alleged that all the accused persons had assaulted the father of the informant, however the post mortem report is showing only one injury on the head which proved fatal to the father of the informant, as informed the co-accused have been granted bail by this court, petitioner is in custody in connection with this case since 16.05.2020,



investigation against him is complete, but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Jadopur P.S. Case No. 61/2020, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

