

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40831 of 2020

Arising Out of PS. Case No.-221 Year-2020 Thana- BELHAR District- Banka

1. BIKRAM DAS S/o Amin Das R/O Bhagwanpur Boka, P.S.- Belhar, Distt.- Banka.
2. BITTU DAS S/o BINOD DAS R/O Bhagwanpur Boka, P.S.- Belhar, Distt.- Banka.
3. UMESH DAS S/o INDRADEO DAS R/O Bhagwanpur Boka, P.S.- Belhar, Distt.- Banka.
4. CHANDRA SHEKHAR DAS S/o INDRADEO DAS R/O Bhagwanpur Boka, P.S.- Belhar, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-04-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in Belhar P.S. Case No. 221 of 2020 (GR No. 1881/20), registered for the offence punishable under Sections 302, 307 and other allied sections of the Indian Penal Code.

As per the prosecution case, co-accused Amin Das is alleged to have assaulted the deceased by axe, as a result of



which he died on the spot. So far as these petitioners are concerned, they are alleged to have assaulted the informant and her *Bhaisur*.

It is submitted on behalf of the petitioners that petitioners are not the assailants of deceased. There is general and omnibus allegation. No specific overt act has been attributed against these petitioners. In fact, dispute arose on issue of construction of sewerage which led to scuffle between the parties. Petitioners are in custody since 30.06.2020 and bear clean antecedent, as stated in para 3 of the petition. Chargesheet has already been submitted.

Considering the facts and circumstances of the case and the period of custody coupled with the fact that petitioners bear clean antecedent, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 221 of 2020 (GR No. 1881/2020), subject to the following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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