

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.332 of 2021**

Arising Out of PS. Case No.-47 Year-2020 Thana- SAMHO District- Begusarai

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ROHIT BIND Son of Suresh Bind Resident of Village - Salha, Bindtoli, P.S.-
Samho, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. M. K. Nirala, APP

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

5 30-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Samho P.S. Case No.47/2020 registered for the

offences punishable under Sections 143, 447, 427 and 504 of the

Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in short is that on 28.08.2020 at

about 1.00 pm the informant had gone to see his land situated at

Mauza Salha Saidpur. It is alleged that when the informant

reached at his land he saw that the petitioner and others were

cutting the crops of soyabean forcibly from the land of the



informant. It is further alleged that when the informant protested the same, they stated abusing them and fired one round which did not hit the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the informant has not sustained any injury and there is a general and omnibus kind of allegation of assault against all the accused persons including this petitioner. It is submitted that the petitioner is in custody in connection with this case since 03.09.2020.

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

Having regard to the facts and circumstances of the case this Court has noticed the submissions of learned counsel for the petitioner that in the alleged occurrence which had taken place on 28.08.2020 no injury has been caused by this petitioner and there are altogether six persons named in the FIR against whom there are general and omnibus allegations, the petitioner is in custody in connection with the present case for about nine months and the investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs that the petitioner above named be released on bail on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Begusarai in connection with Samho P.S. Case No.47/2020, 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 considering the criminal antecedents of the petitioner, though the Court has been informed that he is on bail in the cases stated in paragraph '3', this Court directs that till conclusion of the trial in the present case the petitioner shall mark his attendance before the Station House Officer of Samho police station once in every two months, the



Station House Officer shall record his attendance on the date of appearance and keep eyes on his activities. In case the petitioner is required to go outside the police station in connection with his employment, he will furnish his complete address and mobile number to the Station House Officer. In case there is any default on the part of the petitioner in compliance, the Station House Officer of Samho police station shall take appropriate steps for cancellation of bail of the petitioner.

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.

Let a copy of the order be also sent to the Superintendent of Police, Begusarai for its compliance.

(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'.

