

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3523 of 2021**

Arising Out of PS. Case No.-266 Year-2020 Thana- TEKARI District- Gaya

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NAGENDRA KUMAR SON OF RAJESHWAR PRASAD RESIDENT OF
VILLAGE -RAMNAGAR, PS- TEKARI, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr.Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 09-07-2021 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Tekari P.S. Case No.266/2020 registered for the offences punishable under Sections 302, 147, 148, 149 and 323 of the Indian Penal Code.

As per the prosecution story, the parties have fought over a land dispute in which all the 12 named accused persons had assaulted the informant's side. The sister of the informant received injuries and ultimately died.

Learned senior counsel for the petitioner submits that there is a general and omnibus allegation against all the 12 named accused persons who were allegedly lashed with lathi, danda and rod. The sister of the informant received one injury



on the scalp which proved fatal. In this connection, the postmortem report has been referred.

Mr. Nand Kishore Prasad, learned APP for the State submits that from the postmortem report it appears that the deceased had suffered one lacerated wound over right parietal area deep scalp layer and bone which proved fatal.

Considering the facts and circumstances of the case wherein this petitioner is named one among the 12 accused in the FIR and it is alleged that all of them were indiscriminately assaulting and in that course sister of the informant received injury, there being no specific allegation against the petitioner and the only injury on the scalp which proved fatal to the sister of the informant is not being specifically attributed to this petitioner, petitioner having remained in jail in connection with this case since 12.06.2020, investigation against him is complete but the trial is not likely to be concluded in near future, he has otherwise no criminal antecedent, let 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 Judicial Magistrate-1st Class, Gaya in connection with Tekari P.S. Case No.266/2020, 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)

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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'.

