

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3444 of 2021**

Arising Out of PS. Case No.-342 Year-2015 Thana- JAYNAGAR District- Madhubani

1. Maheshwar Das Son Of Late Nand Lal Das Resident Of Village- Dullipatti, P.S- Jaynagar, District- Madhubani
2. Ramadhar Sah @ Ram Adhar Sah Son Of Jagdish Sah Resident Of Village- Dullipatti, P.S- Jaynagar, District- Madhubani
3. Ram Sah Son Of Yaduvir Sah, Resident Of Village- Dullipatti, P.S- Jaynagar, District- Madhubani
4. Yaduvir Sah @ Yaduveer Sahu Son Of Late Sone Sah Resident Of Village- Dullipatti, P.S- Jaynagar, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms.Indu Kumari Srivastava, A.P.P.

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

2 09-04-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioners submits that there is a typographical error in the father's name of petitioner no.3. The correct name would be "Yaduvir Sah".

Let the father's name of petitioner no. 3 be correctly read as 'Yaduvir Sah'.

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 Jaynagar P.S. Case No. 342/2015 (G.R. No. 3364/15) registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, on 23.12.2015 when the father of the informant had gone for a natural call towards southern side of his house where the petitioners assaulted him by fists and slaps. It is further alleged that when he reached there, they saw that Ram Sagar Sah had caught his hands and Bisheshwar Das had caught the legs of his father, thereafter all the accused persons fled away. The informant took his father to the Hospital where he was declared dead.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to previous land dispute for which there are case and counter case was lodged by the parties. Petitioners are in custody since 26.06.2020.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that there are general and omnibus kind of



allegations against them and the persons similarly situated have been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 2903/2020 as also by this Court in Cr. Misc. No. 6153/2020 and that the petitioner no. 1 has no criminal antecedent, whereas in the cases reported against petitioner no. 2, 3 and 4, they are said to be on bail, learned A.P.P. for the State admitting that the case of these petitioners are similar to those who have been released on bail, let the petitioner above named be released 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 S.D.J.M., Madhubani, in connection with Jaynagar P.S. Case No. 342/2015, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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'.

