

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7054 of 2021**

Arising Out of PS. Case No.-94 Year-2020 Thana- SHIVSAGAR District- Rohtas

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JAI PRAKASH BIND Son of Shiv Narayan Bind Resident of Village- Tani,
P.S.- Sheosagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamla Kant Pandey, Advocate

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

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

4 03-08-2021 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 Sheosagar P.S. Case No. 94/2020 registered for the offences punishable under Section 147, 148, 149, 323, 504, 506, 507 of the Indian Penal Code and later on Section 302 I.P.C. was added.

As per the prosecution story, the informant Moti Bind has given fardbeyan in which he has stated that some children were quarreling in playing and his father had gone to intervene, in the meantime all the accused persons including this petitioner had assaulted his father on his head by rod, lathi and danda.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the specific allegation of causing assault on the father of the

informant is against co-accused Shiv Narayan Bind, not against this petitioner, however he is in custody since 22.08.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein this Court has noticed that it is a case of over implication of the accused, the specific allegation of causing assault on the father of the informant is against co-accused Shiv Narayan Bind and upon considering this aspect of the matter a learned coordinate Bench of this Court has granted privilege of bail to co-accused Dashrath Bind in Cr. Misc. No. 32189/2020, so far as the present petitioner is concerned, the allegation against him is general and omnibus, he has remained in custody since 22.08.2020, investigation against him is complete but the trial is not likely to take place in near future, he has otherwise no criminal antecedent, 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) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – 21, Rohtas, Sasaram, in connection with Sheosagar P.S. Case No. 94 of 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'.