

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6881 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- RAMPUR District- Gaya

Awadhesh Sao S/O Butai Sao R/o village- Tetuatar, P.S.- Atri, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate

For the Opposite Party/s : Mr. Rina Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Rampur P.S.Case No. 291 of 2021 for the offences punishable under Sections 147, 148, 149, 307, 382, 353, 332, 333 of the Indian Penal Code.

As per the prosecution case, it is alleged that the petitioner along with 30-40 persons came and surrounded the Circuit House , Gaya. It is further alleged that 30-40 persons entered into the circuit house to release the loaded tractors from the custody of the police. It is also alleged that



accused persons fired on which one constable received injuries.

It is submitted by the learned counsel for the petitioner that there is general and omnibus allegation against all the FIR named accused persons as well as unknown person. It is further submitted that altogether 30 -40 persons have been made accused in the present case and there is no specific allegation of firing against anyone. It is further submitted that similarly situated, persons having identical allegation have been granted bail by co-ordinate Benches of this Court in Cr. Misc. No. 5309 of 2022 vide order dated 25.05.2022, Cr. Misc. No. 4681 of 2022 vide order dated 23.05.2022 and Cr. Misc. No.1468 of 2022 vide order dated 13.05.2022. It is lastly submitted that this petitioner is in custody since 07.09.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that there is specific allegation against the petitioner along with other accused persons. Petitioner is found involved in one another case.

Having heard the rival contentions of the parties



and taking into consideration the fact that there is general and omnibus allegation, apart from the fact that other co-accused have been granted bail by different Benches of this Court and petitioner is in custody since 07.09.2021. Moreover, investigation has already been completed and charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S.Case No. 291 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable



to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J.)

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