

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72276 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- GADHPURA District- Begusarai

Kari Nutt @ Karo Nutt S/o Bounu Natt R/o village- Gadhpura, P.S.-
Gadhpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9856 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- GADHPURA District- Begusarai

1. Jabbar Nut @ Md. Jabbar @ Jabbar Hussain Son of Baunu Nut @ Bauni Nut Resident of Village- Gadhpura, P.S.- Gadhpura, District- Begusarai.
2. Taro Khatoon @ Taro Devi @ Taro Nut @ Tara Khatoon @ Tara Devi Wife of Late Pratosh Yadav @ Late Santosh Yadav Resident of Village- Gadhpura, P.S.- Gadhpura, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72276 of 2021)

For the Petitioner/s : Mr. Rajnish Kumar, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 9856 of 2022)

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

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-10-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with

Gadhpura P.S. Case No. 70 of 2021 lodged under Sections 302, 120(B)/34 of the I.P.C.

As per the prosecution case, there were 7 named accused persons against whom allegation of assault has been made by the brother of the informant. It has been alleged that named accused Munna Nutt has assaulted on the head of the informant's brother by dagger and thereafter, other accused persons started assaulting by iron-rod in different part of the body sitting on the chest of the deceased. Subsequently the brother of the informant became unconscious but prior of his death, he disclosed the name of Munna Nutt.

Learned counsel for the petitioner submits that after investigation police has submitted final form against all the named accused persons. Learned counsel for the first case submitted that at the time of submission of the final form, he was persuading bail before the Session Court, which was subsequently withdrawn and when the petitioner moved before the C.J.M., then instead of passing order on merit for bail, C.J.M. has first taken cognizance then refused to grant the bail of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further

submits that petitioner is in custody since 22.06.2021 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for second case submits that police has also filed final form against the petitioner in this case but subsequently Learned Court below took cognizance against all accused persons including the present petitioner, thereafter, he prayed for bail application. He submits that there is one criminal case pending against the petitioner, in which he is on bail.

Learned counsel has annexed the photo copy of the final form as Annexure-2. The investigation made by the police narrates completely different story as mentioned in the F.I.R.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Ld. Chief Judicial Magistrate, Begusarai in connection with Gadhpura P.S. Case No. 70 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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