

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15116 of 2022

Arising Out of PS. Case No.-126 Year-2019 Thana- BIND District- Nalanda

Munchun @ Dharmendra Kumar, aged about 41 years, Male, Son of Vinay Mahato, Resident of Village - Karara, P.s.- Ghoswari, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Rewti Kant Raman, Advocate Mr. Shailendra Kumar, Advocate Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Ajay Kumar Thakur, learned counsel along with Ms. Vaishnavi Singh, learned counsel appearing on behalf of the petitioner. Mr. Rewti Kant Raman, learned counsel appearing on behalf of the informant and Mr. Surendra Kumar, learned APP for the State.

Petitioner, who is in custody since 26.06.2021, seeks regular bail in connection with Session Trial No. 426 of 2021/427 of 2021 arising out of Bind P.S. Case No. 126 of 2019 dated 16.09.2019 registered for offences punishable under Sections 147, 149, 341, 323, 302, 307, 504, 506 and 509 of the Indian Penal Code.

Prosecution story in brief is that accused persons



named in the F.I.R. along with unnamed accused person armed with *lathi-danda* etc. had assaulted the husband of the informant due to enmity, who died in course of treatment. Postmortem was conducted in which altogether eight injuries were found.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the FIR. There is direct allegation of committing overt act against the brother of the petitioner namely, Rajeev Ranjan Kumar and the petitioner being his own brother has falsely been implicated in the present case. It has further been submitted that co-accused Rajeev Ranjan Kumar has already been released on bail by a co-ordinate Bench of this Court vide order dated 23.06.2022 passed in Criminal Miscellaneous No. 10340 of 2022. Petitioner's name has transpired on the basis of supervision note. Testimonies witnesses whose statement has been recorded in paragraph nos. 66, 82 and 83 of the case diary are not the eye-witnesses and they are simply hearsay witnesses. Petitioner is in custody since 26.06.2021. Though the petitioner has three criminal antecedent which are not of similar nature and the petitioner is on bail in all the cases. No material has been collected in course of investigation against the petitioner. Petitioner may be released on bail on any terms and conditions



imposed by this Court.

Learned counsel appearing on behalf of the informant submits that the main accused is the brother of the petitioner namely, Rajeev Ranjan Kumar. Petitioner is also involved in the murder of the husband of the petitioner. Independent witnesses have supported the story of prosecution and they have identified that the petitioner was also present at place of occurrence and he had assaulted the deceased, who died in course of treatment. The injuries sustained by the deceased are supported by the postmortem report in which the doctor has found eight injuries on the person of the deceased. The allegation made in the FIR is supported by the materials which have been collected in course of investigation.

Learned A.P.P., for the State has also supported the submission made by the learned counsel appearing on behalf of the informant and submits that there are criminal cases pending against the petitioner and it would not be in the interest of society to release the petitioner on bail.

Having heard the rival submissions of the parties, petitioner is not named in the F.I.R and from the perusal of the F.I.R. itself it appears that general and omnibus allegation has been made against all the accused persons including the present



petitioner. Charge-sheet has already been submitted and the case has been committed for trial. The co-accused namely, Rajeev Ranjan Kumar against whom there is direct allegation of overt act to have committed murder has been released on bail by a co-ordinate Bench of this Court vide order dated 23.06.2022 passed in Criminal Miscellaneous No. 10340 of 2022. Prima facie I am of the opinion that the petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional District and Session Judge, Bihar Sharif, Nalanda in connection with Session Trial No. 426 of 2021/427 of 2021 arising out of Bind P.S. Case No. 126 of 2019 dated 16.09.2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The petitioner shall give an undertaking and execute bond not to indulge in any illegal activity. Any violation of the terms and conditions of the undertaking or the bond shall lead to cancellation of his bail bonds.

(vi) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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