

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18100 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Uttam Kumar, S/o Late Upendra Baitha Resident of Mohalla/ Vill-
Madhoupur, Banauli, P.S.- Simri, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-07-2022

Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Laheriasarai P.S. Case No.367 of 2021 instituted under Section 302/34 of the IPC.

The allegation in the FIR is that the petitioner along with other 8-10 persons assaulted the deceased for 4 to 5 hours under impression that the deceased has made cycle theft. Subsequently, he was referred to DMCH where he died.

Learned counsel for the petitioner submits that there is a general and omnibus allegation against him that he along with others assaulted the deceased for the alleged theft of a cycle where the construction work was going on. Learned counsel for the petitioner further submits that he was a labour working at



the said site and is only the bread earner in the family and his custody has led to starvation in the family consisting of his old mother, wife and children. He lastly submits that some of the co-accuseds have been released on bail vide Cr. Misc. No.9944 of 2022 (Rajesh Yadav vs. The State of Bihar) on 14.06.2022 by a co-ordinate Bench and Cr. Misc. No.70088 of 2021 (Pankaj Kumar Sinha @ Pankaj Kumar @ Pappu Jee vs. The State of Bihar) on 24.05.2022 by this Court.

Taking into account the aforesaid fact that the petitioner was a labour at the construction site is in jail since 28.07.2021 (as stated in para-19 of the bail application), charge-sheet stands submitted and some of the co-accused have since been released on bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Laheriasarai P.S. Case No.367 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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