

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21276 of 2022

Arising Out of PS. Case No.-193 Year-2020 Thana- RAGHOPUR District- Vaishali

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Guna @ Govind Ray @ Govind Rai @ Guna Rai Son of Nakeshwar Roy
Resident of Village - Jagdishpur, P.S.- Raghobpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Raj Krishan Jha, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Raghobpur P. S. Case No. 193 of 2020 registered for the offences punishable under Sections 147, 341, 323, 307 and 302 of the Indian Penal Code.



As per the prosecution case, it is alleged that on 21.12.2020, the brother of the informant, namely, Shankar Kumar went to ask for his money of irrigation from co-accused Birkeshwar Roy, thereupon all the accused persons started abusing him and when it was protested all the accused persons brutally assaulted him. It is further submitted that when the informant's husband and other persons went to save him, the accused persons also assaulted them. It is next submitted that the husband of the informant died on account of injuries inflicted by all the accused persons.

Learned counsel appearing on behalf of the petitioner submitted that there is general and omnibus allegation against all the accused persons and the present occurrence is said to have taken place on 21.12.2020 but the present F.I.R. has been instituted on 24.12.2021 after a lapse of about 3 days, without any explanation. It is next submitted that so far the injury sustained to other family members of the informant are concerned, the same have been found to be simple in nature. It is next submitted that there is allegation of pelting of stones and bricks over the husband of the informant and other injured persons. It is subsequently submitted that this petitioner is a man of fair antecedent and he is in custody since 03.02.2022, though



the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons in furtherance of common intention assaulted the husband of the informant.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation apart from that the delay in lodging of the F.I.R. and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -IX at Hajipur, Vaishali in connection with Raghopur P. S. Case No. 193 of 2020, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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