

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22989 of 2022

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

=====

Prem Kumar, aged about 40 years, Male, Son Of Madan Prasad, resident of
Village- Mohaddipur, P.S.- Bind, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Pankaj Kumar, Advocate
For the Opposite Party/s :	Mr. Rewti Kant Raman, Advocate
	Mr. Shailendra Kumar, Advocate
	Mr. Satyendra Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Pankaj Kumar, learned counsel appearing
on behalf of the petitioner, Mr. Rewti Kant Raman, learned
counsel appearing on behalf of the informant and Mr. Satyendra
Prasad, learned APP for the State.

Petitioner, who is in custody since 26.11.2021, seeks
regular bail in connection with 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 from the perusal of the F.I.R. it would appear that there is general and omnibus allegation against all the accused persons including the present petitioner. In course of investigation, no evidence has been collected against the petitioner nor any independent eye-witnesses have supported the alleged allegation made against the petitioner in the F.I.R. He further submits that in course of investigation, in absence of any evidence collected, final form was submitted so far as the present petitioner is concerned. Though in course of trial, petitioner has been also committed for sessions trial. He further submits that petitioner has clean antecedent and he is in custody since 26.11.2021. Co-accused person namely, Rajeev Ranjan Kumar against whom there is direct allegation of assault 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. On these grounds petitioner seeks to be released on bail.

Learned counsel appearing on behalf of the informant and learned A.P.P. for the State have vehemently opposed the prayer for grant of bail to the petitioner. They have stated that



there is strong case against the petitioner and the informant is the eye-witness of the alleged commission of murder of her husband and she had seen the petitioner to have been assaulted and as such it would not be proper for this Court to release the petitioner on bail.

Having heard the rival submissions of the parties and having perused the allegation made in the F.I.R. In want of any material collected against the petitioner in course of investigation, the I.O. had submitted final form against the present petitioner. However, cognizance was taken and case was committed for trial. The petitioner has clean antecedent and he is in custody since 26.11.2021. The trial is not likely to be concluded soon and other similarly situated co-accused persons have already been released on bail including one Ranjeet Kumar Ranjan against whom there is direct allegation of assault has also 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 and there unlikely chances of the trial being concluded in near future. 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 A.C.J.M.- III, Nalanda at Biharsharif 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)

Niraj/-

U		T	
---	--	---	--

