

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32460 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- DHANARUA District- Patna

BIJAY BIND Son of Late Chaitu Bind Resident of Village - Kishunganj, P.S.-
Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv
For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 02-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Dhanarua P.S.Case No.246 of 2020, registered for the offence under Sections 341,342,323,324,302 and 34 of IPC.

The prosecution case, in short, is that on 23.08.2020 in the evening, the father of the Informant Chhotan Bind had gone at hand-pump situated at the door of one Bijay Bind for washing his hand and feet. In course of washing, the utensils kept there fell down, whereupon, Usha Kumari started to abuse him. It is alleged that Bijay Bind, Mukesh Bind and Rakesh



Bind came there with Lathi and Danda started to assault Chhotan Bind with Pasuli of iron. When the Informant and others came there to rescue him, they were also assaulted by the accused persons. Thereafter, Chhotan Bind was taken to Dhanarua Hospital and, from there, referred to the P.M.C.H. where, during course of his treatment, he died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the date of occurrence as alleged in the FIR was 23.08.2020 but the present FIR has been instituted on 28.08.2020. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons. In fact all family member of the petitioner have falsely been implicated in the present case. He further submits that similarly situated co-accused person, namely, Mukesh Bind, has been granted bail by this Court vide order dated 22.02.2022 in Cr.Misc. No.37084 of 2021 and the petitioner is in custody since 30.09.2020.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Masaurhi, Patna in connection with Dhanarua P.S.Case No.246 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of



verification.

(Rajesh Kumar Verma, J)

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