

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26868 of 2022**

Arising Out of PS. Case No.-33 Year-2021 Thana- KATIHAR NAGAR District- Katihar

Jiyalal Sonkar@ Baba@Jiyalal Sonkar Khatik @ Jiyalal Son of Late Jinak
Khatk @ Jinak Khahik @ Jhinu Resident of Village - Sangram Chowk
Driver Tola, Ward no16, P.s.- Katihar, Town, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27511 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- KATIHAR NAGAR District- Katihar

Pappu Sonkar @ Pappu Kumar Sonkhar Son of Late Siyaram Sonkar
Resident of Mohalla - Sangram, Chowk Driver Toal, Ward No.- 16, P.S.-
Katihar Town, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26868 of 2022)

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 27511 of 2022)

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 06-09-2022 Prior to argument, learned counsel for the petitioners

submits that due to inadvertence certain typographical mistake

are there in paragraph 13 of the petitions. He seeks permission

to remove the defect.

Permission granted.

Learned counsel for the petitioners is directed to remove these defects made in paragraph no.13 of both petitions in course of the day.

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

The petitioners seek regular bail in connection with S.T. No.127 of 2022 arising out of Katihar Town P.S. Case No. 33 of 2021 lodged under Sections 147, 148, 149, 341, 323, 324, 307, 506 of the Indian Penal Code.

As per the prosecution case, the informant has filed this case alleging therein that in the night of 20.01.2021 his younger brother was going to Shitla Mandir from his house. In the mean time total 12 named accused persons including the present petitioners attacked upon him due to old enmity and started assaulting. On *hulla* they fled away after causing injury to his brother. Informant further states that his brother was admitted to Sadar Hospital, upon seeking the serious condition he was referred to Bhagalpur Medical College.

Learned counsel for the petitioners submits that petitioner of Cr. Misc. No.26868 of 2022 is an old person aged

about 65 years, there is no specific against him, all allegations are general and omnibus. He further submits that said petitioner is patient of several decease having a mentally and physically disabled daughter and he is the sole person who use to look after her. He further submits that the petitioner of Cr. Misc. No. 27511 of 2022 namely Pappu Sonkar, is actually victim of this case, reason about the same has been narrated by the learned counsel for the petitioner in paragraph no.10 of the said petition that his father was killed and a criminal case being Katihar Town P.S. Case No. 85 of 2005 lodged under Sections 302, 120(B), 212/34 of the Indian Penal Code was filed, in which trial is going on being ST No. 373 of 2005 and evidence of witnesses are going on. He further submits that present case is filed with a view to create pressure upon the petitioner and his family. He further submits that both the petitioners are in custody since 11.12.2021 and both have clean antecedent. He submits that charge has already been framed in this case and evidence of prosecution witnesses is going on. He also submits that 3 accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 13.04.2022 passed in Cr. Misc. No. 43614 of 2021 (Annexure No.3, Page 19 of the first petition).

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is true that evidence of prosecution witness is going on but those persons to whom bail has been granted by the Court have started threatening the witnesses and, therefore, he has apprehension that if bail shall be granted to the present petitioners they also start threatening the prosecution witnesses.

In the present facts and circumstances of this case and the submissions made above, I am of the view that if other accused have started threatening the prosecution witnesses then it does not mean that present petitioners will also start threatening. There is already witness protection scheme launched in our country as well as there is a provision for cancellation of bail on the ground of threatening to the witnesses but on these grounds the bail petition of these petitioners who are in custody cannot be rejected, hence let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3rd, Katihar in connection with S.T. No. 127 of 2022

arising out of Katihar Town P.S. Case No. 33 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of their bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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