

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28158 of 2022

Arising Out of PS. Case No.-83 Year-2019 Thana- SABAUR District- Bhagalpur

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KRISHNA DAS S/o Late Basant Das R/o village- Chotti Dostan, P.S.-
Goradih, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Sabour (Goradih) P.S. Case No. 83 of 2019 for the offences
under Sections 147, 149, 341, 323, 307, 354(B), 379, 385 and
448 of the Indian Penal Code.

The prosecution story, read as follows:-

(i) the daughter-in-law of the informant received Rs.
50,000/- from 'Indra Awas Scheme' for construction of the
house and she gave Rs. 25,000/- to Ward member namely,
Krishna Das (the petitioner herein).

(ii) thereafter, the informant received Rs. 12,000/- to



make toilet. When Krishna Das got knowledge of the said money demanded Rs. 2000/- from her;

(iii) on 20.03.2019 at 5 P.M., Krishna Das on refusal of money called seven accused persons named in the FIR, who entered into the house of the informant and creating nuisance and also tried to outrage the modesty of the daughter-in-law of the informant;

(iv) on 'hulla', the son of the informant and neighbour came to save them but were also assaulted by accused persons with iron rod and lathi. The son of the informant became unconscious and all the accused persons looted the shop of the informant and also took ornaments worth Rs. 60,000/- and fled away.

Learned counsel for the petitioner submits that altogether eight persons have been named as accuseds in the case and a bare perusal of the F.I.R would show that the same is exaggerated only with a view to implicate them. He further submits that no reason has been explained for the delay in lodging of the F.I.R.

Learned APP for the State opposes the bail stating that the petitioner has evaded arrest for long time.

Taking into account the fact that allegations have been



made against eight persons, the petitioner is in custody since 9.3.2022 and charge sheet stands submitted, this Court is inclined to grant him privilege of bail with condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, District-Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 83 of 2019 subject to the 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month for one year to mark his presence;

(iv) he 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;

(v) the petitioner shall desist from committing any criminal offence again 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)

Jagdish/Neha-

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