

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28418 of 2022

Arising Out of PS. Case No.-338 Year-2020 Thana- MADHEPURA District- Madhepura

VIJAY SWARNKAR S/o Late Shatrudhan Swarnkar Resident of Village-
Bharrahi, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sessions Trial No.30/2021 arising out of Madhepura P.S.
Case No.338/2020 instituted under Section 302/34 of the Indian
Penal Code.

As per the allegation in the FIR, the informant has
alleged that the wife of Bihari Swarnkar was throwing dirty
water and garbage in front of his shop and on protest they
started abusing him. Further, it is alleged that the accused
person's family members also came and started fighting with
them and in the said assault, Dulari Devi, mother of the
informant died.



Learned counsel for the petitioner submits that omnibus allegation has been made against the petitioner including the accused persons of assaulting which resulted into the unfortunate death of Dulari Devi. He further submits that the similar co-accused namely Saben Swarnkar and Raben Swarnkar have already been granted the privilege of bail vide Cr. Misc. No.23693/2021 on 04.09.2021 by co-ordinate Bench of this Court.

Taking into account the aforesaid fact as also the charge-sheet stands submitted and the petitioner is in custody since 20.02.2021 (as stated in para-15 of the bail application) and one of the co-accused has since been granted bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sessions Trial No.30/2021 arising out of Madhepura P.S. Case No.338/2020 to the satisfaction of learned Additional Sessions Judge, VI, Madhepura, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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