

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38667 of 2021

Arising Out of PS. Case No.-838 Year-2019 Thana- DANAPUR District- Patna

Om Kumar @ Om Prakash Son Of Sri Dinanath Rai R/O Village- Tarachak,
P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the Informant		Mr. Kundan Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Ashok Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State and Mr. Kundan Kumar, learned counsel for the informant

The petitioner has been made accused and put behind the bar in connection with Danaapur P.S.Case No. 838 of 2019 registered for the offences punishable under Sections 341, 323, 325, 302, 120B/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on



26.10.2019 at about 11 pm, while brother of the informant was coming from the market, all the FIR named accused persons including the petitioner assaulted his brother by means of lathi, danda, bricks and knife due to which the brother of the informant sustained serious injuries and during the course of treatment , he died.

It is submitted by the learned counsel for the petitioner that neither the informant nor the family members were the eye witness to the alleged occurrence. During the course of investigation, it has come that on account of construction of a house by the father of the petitioners, adjacent to the house of the informant some altercation had taken place and due to which the deceased had come and threatened him by making firing upon Jai Prakesh @ Bhola, thereupon public of locality chased him, and he was beaten by mob due to which he succumbed to injuries and died during the course of treatment. It is further submitted that the aforesaid incident was also supported by the independent witnesses whose statement has been recorded . It is also submitted that there is counter version of this case which has been instituted by the petitioner



bearing Danapur P.S.Case No. 837 of 2019. it is next submitted that this petitioner has fair antecedent and he is in custody since 18.01.2021.

On the other hand, learned APP for the State opposes the bail application of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that during the course of investigation it has come that deceased was a notorious criminal found involved in dacoity, murder and other serious cases as mentioned in Para-64 of the case diary, apart from the fact, it has come that deceased was beaten by mob and further there is counter version of this case in as much as the petitioner has clean antecedent, let the petitioner above named, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Danapur, Patna in connection with Danapur P.S.Case No. 838 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows;-



(I) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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