

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40727 of 2021

Arising Out of PS. Case No.-163 Year-2020 Thana- TATARPUR District- Bhagalpur

Gorka Hari @ Bikas Hari @ Gorkha Hari Son of Lakhan Hari Resident of
Village - Ramsar, P.S. - Tatarpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Tatarpur P.S.
Case No. 163 of 2020 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

According to prosecution case, as per the F.I.R. on
19.11.2020 the younger brother of the informant namely Pradip
Mandal was returning after doing labour work and when he
reached at the door of informant all six F.I.R. named accused
persons including the petitioner and 3-4 unknown accused
persons have assaulted the brother of the informant by means of
Lathi, Iron rod and as a result of which he died on 22.11.2020 in



night due to injury sustained.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence is 19.11.2020 but the present F.I.R. was instituted on 23.11.2020 after three days of the alleged occurrence without giving any explanation about such delay. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that there is no specific allegation of overt-act against the petitioner. He further submits that after investigation police has submitted the charge sheet against the petitioner and other co-accused persons. The petitioner is in custody since 04.12.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XII, Bhagalpur in connection with Sessions Trial No. 261 of 2021 arising out of Tatarpur P.S. Case No. 163



of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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