

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40871 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- TANKUPPA District- Gaya

JAGDISH RAVIDAS Son of Late Rameshwar Ravidash Resident of Village-
Gebal Bigha, P.S.- Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 08-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Tankuppa P.S. Case No. 24 of 2021, for the offence punishable under
Sections 147, 148, 149, 341, 342, 188, 323, 324, 326 and 302 of the
Indian Penal Code later on Section 201 of the I.P.C. has been added.

The prosecution case, in brief, is that the informant, who
is the Chowkidar went to village-Gajadharpur Aahar and found a
dead body of unknown person lying in the Panchayat Bhawan. The
Postmortem reveals multiple injuries on the person of the deceased.

Learned counsel appearing on behalf of the petitioner
submits that the Chowkidar is the informant, who is not the eye-
witness of the present case. The alleged murder took place on
17.02.2021 and the F.I.R. lodged on 20.02.2021. The Chowkidar was



on inimical terms with the petitioner. There is general and omnibus allegation against the petitioner and the accusation against the petitioner fails in absence of any eye-witness and delay in filing the F.I.R. He further submits that the Chowkidar, who was knowing about the incident did not inform the local Police station for the reasons best known to him to do so. There is every doubt due to enmity the petitioner has been named him in the F.I.R. in a well planned manner. The Postmortem reveals multiple injuries caused by hard and blunt substance. The victim has not been identified and the body remained unidentified. The petitioner is a man of clean antecedent and he is in custody since 21.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case, it appears that the incidence took place on 17.02.2021 and the F.I.R. has been lodged after much delay on 20.02.2021. The informant is the Chowkidar of the village, who was duty bound to report the local P.S. about the alleged death, but he has deliberately, in planned manner, implicated the petitioner in the present case. In absence of any eye-witnesses and allegation of general and omnibus, prima facie the petitioner has made out a case to be released on bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



A.C.J.M-I, Gaya in connection with Tankuppa P.S. Case No. 24 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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