

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33002 of 2022

Arising Out of PS. Case No.-68 Year-2017 Thana- PARASBIGHA District- Jehanabad

SKEN BIND @ SKAND BIND S/o Mahendra Bind R/o village- Beldari
Bigha, P.S.- Parasbigha, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Parasbigha P.S Case
No. 68 of 2017 registered for the offences punishable under
Sections 302, 120B of the Indian Penal Code and section 27 of
the Arms Act.

As per FIR, the informant and his uncle heard the
voice of crying near a bridge, then they rushed to the spot and
saw the accused persons including petitioner fleeing from the
place of incident and at the time of escaping the accused persons
fired at informant and his uncle and informant found his cousin
brother Sintu Bind and co-villager in painful injured condition
who were taken to hospital where doctor declared them dead.



The main submissions advanced by learned counsel Shri Ajay Mukherjee appearing for the petitioner are that as per FIR, petitioner and named accused persons including 5/6 unknown persons were alleged to have fired at informant and his uncle and thereafter accused persons fled away and then informant found his cousin brother Sintu Bind and his co-villager in painful injured condition and doctor declared them dead when they were taken to hospital and said allegation mentioned in the FIR clearly shows that accused persons used firearms but as per post mortem report of the deceased persons, doctor opined that cause of death of deceased persons is Asphyxia due to strangulation/ throttling which is completely contradictory to the allegation made in the FIR and moreover, against the petitioner there is no specific allegation and one co-accused Saudagar Bind carrying similar allegation has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 54562/2021. Further submission is that several persons are alleged to have committed the alleged murder of the victims but any specific overt-act of the petitioner has not been given in the FIR and at the time of occurrence, petitioner was not present in the village and there was dispute between informant's family and the petitioner regarding construction of the house.



Sri Bal Mukund Prasad Sinha, learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly considering the fact that the cause of death mentioned in the post mortem reports of deceased persons seems to be contradictory to the allegation made in the FIR and any specific role of the petitioner in committing the alleged murder has not been revealed in the FIR and several persons are alleged to have committed the occurrence and one co-accused Saudagar Bind carrying similar allegation has been granted bail vide order passed in the aforementioned criminal miscellaneous case, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner.

Let the petitioner 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 Addl. Sessions Judge I, Jehanabad/ concerned court in Sessions trial no. 227/2021 arising out of Parasbigha P.S Case No. 68 of 2017 on 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 below and shall remain physically present as directed by the



Court below 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) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

s.hassan/-

U		T	
---	--	---	--

