

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33545 of 2022

Arising Out of PS. Case No.-141 Year-2020 Thana- KARAI PARSURAI District- Nalanda

Phagu Bind @ Phaggu Bind, aged about 31 years (Male), Son Of Nawal Bind, Resident Of Village- Phullipar, P.S.- Karai Parsurai, District- Nalanda (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-09-2022 Heard Mr. Rajendra Kumar Sharma, learned counsel appearing on behalf of the petitioner and Mr. Khurshid Anwar, learned A.P.P. for the State.

Petitioner, who is in custody since 25.12.2021, seeks regular bail in connection with Karai Parsurai P.S. Case No. 141 of 2020 registered for offences punishable under Sections 302 and 201 of the Indian Penal Code.

As per the allegation made in the F.I.R., due to strained relationship between the husband namely, Sushil Bind and his wife Jitani Devi (informant), daughter of the informant namely, Sangita Kumari @ Khushboo Kumari (deceased) was killed by the accused persons including the present petitioner.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is co-villager and he had no concern with the matrimonial relationship of the co-accused Sushil Bind nor there is any material to connect the said Sushil Bind with the present petitioner. Other similarly situated co-accused namely, Ram Kaliya Devi @ Sobha Devi and Pyare Bind have already been released on bail by a co-ordinate Bench of this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 56025 of 2021, Ful Kunwari Devi has already been released on bail by a co-ordinate Bench of this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 54407 of 2021 and Baddhu Bind has been released on bail by a co-ordinate Bench of this Court vide order dated 30.03.2022 passed in Cr. Misc. No. 51427 of 2021. Petitioner has clean antecedent and he is in custody since 25.12.2021.

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

Having heard the rival submissions of the parties, it appears from the nature of allegation made in the F.I.R. against the petitioner who is co-villager had no concern with the matrimonial relationship of the co-accused Sushil Bind nor there is any material to connect the said Sushil Bind with the present petitioner. Other similarly situated co-accused namely, Ram



Kaliya Devi @ Sobha Devi and Pyare Bind have already been released on bail by a co-ordinate Bench of this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 56025 of 2021, Ful Kunwari Devi has already been released on bail by a co-ordinate Bench of this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 54407 of 2021 and Baddhu Bind has been released on bail by a co-ordinate Bench of this Court vide order dated 30.03.2022 passed in Cr. Misc. No. 51427 of 2021, charge-sheet has already been submitted and there is no likelihood of trial being concluded in near future, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist Hilsa (Nalanda) in connection with Karai Parsurai P.S. Case No. 141 of 2020 subject to the following conditions:

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

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

(iii) 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.

(iv) 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 bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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