

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42659 of 2021

Arising Out of PS. Case No.-56 Year-2019 Thana- SURYAGARHA District- Lakhisarai

SURESH DAS @ SURESH KUMAR Son of Late Biltu Das Resident of
Village - Mohammadpur, P.S. - Suryagarha, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabi Bhushan, Advocate
For the Opposite Party/s	:	Mr. Gopal Sharan Singh, Advocate
For the State	:	Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 12.03.2021, seeks
regular bail in connection with Suryagarha P.S. Case No. 56 of
2019 registered for offences punishable under Sections 302, 307
and 324/34 of the Indian Penal Code.

Prosecution case, in brief, is that the petitioner along
with other co-accused, who are agnates, committed murder of the
son of the informant.

Learned counsel appearing on behalf of the petitioner
submits that there is general and omnibus allegation against all
the accused persons. However, so far as the present petitioner is
concerned admittedly there are certain cases pending against him



in which he has already been enlarged on bail and due to this his father, who is the informant of this case has roped him in the present case. He further submits that other co-accused namely, Niranjana Das and Nunulal Das, who are similarly situated have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 10.08.2021 passed in Cr. Misc. No. 34776 of 2021.

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

Considering the fact that own brother of the petitioner has died and out of rage, father of the petitioner, who is the informant of this case has made him accused treating him simply that he is on the side of other accused persons. Petitioner is in custody since 12.03.2021. There is general and omnibus allegation against the petitioner and other co-accused persons have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 10.08.2021 passed in Cr. Misc. No. 34776 of 2021. There is no allegation of tampering the evidence or influencing the witnesses and trial is not likely to be concluded in near future. The petitioner, above named, is directed to be enlarged 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 Chief Judicial



Magistrate, Siwan in connection with Suryagarha P.S. Case No. 56 of 2019 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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