

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43056 of 2021

Arising Out of PS. Case No.-75 Year-2019 Thana- DURAULI District- Siwan

1. SHYAM LAL GOND Son of Late Kailash Gond Resident of Village- Dareli Mathia, P.S.- Darauli, District- Siwan.
2. Shyambali Gond Son of Late Kailash Gond Resident of Village- Dareli Mathia, P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-03-2022 Heard learned counsel appearing on behalf of the petitioners 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.

Petitioners, who are in custody since 09.02.2021, seek regular bail in connection with Darauli P.S. Case No. 75 of 2019, registered for offences punishable under Sections 341, 323, 337, 338, 302, 504 and 506/34 of the Indian Penal Code.

Prosecution case, in brief, is that petitioners had assaulted the wife of the informant by fists and slaps along with other co-accused person. There is direct allegation against one Shambhu Gond who had assaulted the wife of the informant by



means of *Labda* and the victim succumbed to the injury.

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against the petitioners and in course of investigation, the witnesses have not supported the allegation made against the petitioners. Petitioners have been implicated in the present case just because they are one of the agnates of the informant. There is direct allegation against one Shambhu Gond who had assaulted the victim with *Labda* and the victim succumbed to the injury. Petitioners have no criminal antecedent and they are in custody since 09.02.2021.

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

Considering the allegation made in the F.I.R. that the present petitioners had assaulted the victim with fists and slaps along with other accused persons, informant is the eye witness who has seen that it is Shambhu Gond who has taken the life of the victim Baharna Devi, who is the wife of the informant, petitioners have fair antecedent, prima facie the petitioners have made out a case to be released on bail. The petitioners, above named, are 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 A.C.J.M.-I, Siwan in connection with Darauli P.S. Case No. 75 of 2019, subject to the following conditions:

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

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

(iii) If the petitioners tamper 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 petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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