

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34488 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

Sito Das @ Sitaram Das @ Sitaram Ravidas @ Siti Das Son Of Sukhdeo Das
@ Sukhdeo Ravidas R/O Village- Chandpur, P.S.- Jagdishpur, District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Dilip Kumar, Advocate

For the Opposite Party/s : Mr. Syed Esthesamuddin, A.G

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned

APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Jagdishpur P.S. Case No. 343 of 2021 registered for the alleged offences under Sections 147, 149, 341, 342, 353, 332, 333, 307 and 504 of the Indian Penal Code.

As per prosecution case, one person met with an accident from tractor and died on spot. Allegation against the petitioner is that he along with other co-accused persons were putting blockade on the road and when police tried to disperse



them, they attacked the police party and caused fracture of the shoulder of the informant. One lady constable also suffered injury.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He has nothing to do with the alleged occurrence. There is general and omnibus allegation against the petitioner and all other co-accused persons. No specific overt act has been attributed against the petitioner and he has only been shown as a member of mob of 50-60 persons. There is no independent witness who might support the police case. Charge sheet has been submitted in this case and the petitioner is in custody since 12.10.2021. The petitioner is having clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that petitioner was one of the member of a mob which attacked the police party and caused injury to the police personnel.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and also considering the absence of any specific act attributed to the petitioner and his clean antecedent along with his period of custody, the petitioner above named is directed to be released on



bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhagalpur in connection with Jagdishpur P.S. Case No. 343 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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