

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43980 of 2021**

Arising Out of PS. Case No.-137 Year-2019 Thana- NAUTAN District- Siwan

Lalan Gond @ Lallan Gond, Son of Late Sitaram Gond, Resident of Village-
Bairagi, P.S.- Nautan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45383 of 2021

Arising Out of PS. Case No.-137 Year-2019 Thana- NAUTAN District- Siwan

Daya Shankar Gond, S/O Lalan Gond, R/o Village- Bairagi, P.S.- Nautan,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43980 of 2021)

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 45383 of 2021)

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 29-06-2022 Learned counsel for the petitioners is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Both the bail applications arise out of the same police
station case, they have been heard together and are being
disposed of by this common order.

Heard Mr. Bijay Prakash, learned counsel for the
petitioners and learned APP for the State.



The petitioners seek regular bail, who is in custody in connection with Nautan P.S. Case No. 137 of 2019 for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 21.08.2019 at about 7:30 PM all the accused persons variously armed with Lathi, Danda and Khanti came there and started abusing the husband of the informant. It is further alleged that when her husband tried to flee from the clutches of the accused persons, they chased and caught him and thereafter brutally assaulted and killed him by pressing his neck and thereafter all the accused fled away.

It is submitted by the learned counsel appearing on behalf of the petitioners that from the FIR it is evident that specific allegation of assault has been levelled against all the accused persons including this petitioner, but the prosecution case has not been corroborated by the post-mortem report, which shows no mark of violence over the body of the deceased. It is also submitted that though during the course of investigation it has come that the deceased was killed by pressing neck but that has also not been corroborated by the post-mortem report inasmuch as no ligature mark over the dead



body of the deceased was found. It is next submitted that the petitioner and informant are pattidars and there is dispute due to which their names have been implicated in this case. It is also submitted that both these petitioners are in custody since 07.12.2020 having fair antecedent and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted much earlier.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation that all the accused persons including these petitioners have killed the husband of the informant by pressing his neck.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the post-mortem report does not corroborated the prosecution case inasmuch as no external injuries were found over the body of the deceased and moreover, both the petitioners are in custody since 07.12.2020 having fair antecedent and the investigation of the crime is already concluded and charge-sheet has been submitted in the present case, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Siwan in connection with Nautan P.S. Case No. 137 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

It is also submitted by the learned counsel for the petitioners that in this case now charges have already been framed and the trial has commenced.

In view of the aforesaid submissions, it is expected from the trial court that he will take all the necessary steps to conclude the trial expeditiously.

(Harish Kumar, J)

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