

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63791 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- UPHARA District- Aurangabad

Ashok Kumar Verma @ Ashok Sharma @ Ashok Kumar Barma Son of
Judagir Singh @ Yudagir Mahto Resident of Village - Shankardih, P.S.-
Uphara, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35661 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- UPHARA District- Aurangabad

Bachan Mahto @ Bachan Singh S/O Late Musafir Singh Resident of Village-
Shankardih, P.S.- Uphara, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36700 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- UPHARA District- Aurangabad

1. Sanjay Mahto @ Sanjay Kumar Son Of Bachan Mahto Resident of Village-
Shankardih, P.S.- Uphara, District- Aurangabad (Bihar).
2. Veer Kuwar @ Veer Kuwar Singh Son Of Virchand Mahto @ Virbadan
Singh Resident of village- Shankardih, P.s- Uphara, District- Aurangabad
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38725 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- UPHARA District- Aurangabad

Butai Kumar @ Krishna Kumar @ Krishna Singh Son of Vishunpat Singh
Resident of Village - Shankar Dih, P.s.- Uphara, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 63791 of 2021)

For the Petitioner/s : Ms. Usha Kumari 1, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 35661 of 2022)

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

(In CRIMINAL MISCELLANEOUS No. 36700 of 2022)

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 38725 of 2022)

For the Petitioner/s : Ms. Usha Kumari 1, Adv.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-10-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Uphara P.S. Case No. 80 of 2020 lodged under Sections 147, 148, 149 and 302 of the I.P.C. and under Section 27 of Arms Act.

As per the prosecution case, the informant has stated that at about 1.30 pm, 14 accused persons entered the house of the informant and started dragging the father of the informant. Upon oppose by her mother they started abusing her. They dragged the father of the informant near the Eastern part of the

village and assaulted him by *lathi, danda, garasi* and killed him by gun. With the help of police informant's father was taken to Primary Health Center, where the doctor declared him dead. The cause of dispute has been shown in the F.I.R. is Land dispute.

Learned counsel for the petitioner submits that petitioners are innocent and have committed no offence. There is no specific allegation against any of the accused person including the present petitioners. A general and omnibus allegation has been made in the F.I.R. Learned counsel annexed the post-mortem report and submits that in the post-mortem report, there is no fire arms injury on the body of the deceased. He further submits that other co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 08.12.2021, 16.12.2021, 02.03.2022, 11.05.2022, 06.06.2022 in Cr. Misc. No. 35310/21, Cr. Misc. No. 41213/21, Cr. Misc. No. 45860/21, Cr. Misc. No. 7981/22, and Cr. Misc. No. 7893/22 respectively.

Learned counsel for the first case submits that petitioner of first case is in custody since 14.12.2020, petitioner of second case is in custody since 24.4.2022, petitioner of third case is in custody since 30.04.2022, petitioner of fourth case is in custody since 26.03.2022. In three cases petitioners are

having clean antecedent but in the last case, there is one antecedent of the petitioner, in which he is on bail. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M.- 1st Class, Daudnagar, District – Aurangabad, (Bihar) in connection with Uphara P.S. Case No. 80 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the respective petitioner.

C. The petitioners shall file an affidavit at the time of

furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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