

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47564 of 2021

Arising Out of PS. Case No.-289 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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BABUJAN RAI, Son of Ekbal Rai Resident of Village - Bhaluwara, P.S.-
G.B. Nagar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate.
For the Opposite Party/s : Mr.Amitesh Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-04-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
G.B. Nagar P.S. Case No. 289 of 2019 for the offence
punishable under Sections 147, 148, 149, 323, 324, 504, 307
and 302 of the Indian Penal Code.

The prosecution story, in brief, is that when the
informant along with his wife and son came on his brother-in-
law's house, all the F.I.R. named accused persons including the
petitioner came armed with lathi, danda and bamboo stick and
started assaulting his wife and son, Jumadin, as a result of
which, his son received injuries on the head and subsequently he



succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner submits that the accusation against the petitioner is general and omnibus. The injury report of other injured person is not on the record, which partially clouds the prosecution case to the effect that the informant, his wife and others received injuries. The post mortem report of the victim reflects one injury on the head of the victim, whereas the accusation of repeating blow is against four F.I.R. named accused persons including the petitioner. Investigation of the case is already complete. Petitioner has no criminal antecedent and he is in custody since 06.03.2020. There is no likelihood of trial being concluded in near future.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner submitting that the petitioner is named in the F.I.R. with specific accusation.

Considering the fact that the accusation of assault is omnibus and general against four accused persons, the accusation is not being corroborated by the medical opinion, the investigation has already been concluded and the trial is not likely to be concluded in near future, petitioner has got clean antecedent and he is in custody since 06.03.2020, the petitioner,



above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VIII, Siwan in connection with S. Tr. No. 131 of 2020, arising out of G.B. Nagar P.S. Case No. 289 of 2019, subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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