

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47108 of 2021

Arising Out of PS. Case No.-511 Year-2020 Thana- PAROO District- Muzaffarpur

DHARMENDAR NUT, S/o Sohan Nut R/o village- Bahlolpur, P.S.- Paroo,
District- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 07-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 20.01.2021,
seeks regular bail in connection with Paroo P.S. Case No. 511 of
2020, for the offence punishable under Sections 147, 148, 149,
323, 302 and 120(B) of the Indian Penal Code.

The prosecution story, in brief, is that while the
husband of the informant was at his door, in the meantime, co-
accused Sohan Nutt came and asked him to accompany for
some necessary works at his house and after that all the accused
persons along with the petitioner assaulted the husband of the
informant and also killed him by pressing his neck. Learned
counsel appearing on behalf of the petitioner



submits that petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that there is general and omnibus allegation levelled against the petitioner. Many accused persons assaulted the deceased and the deceased sustained multiple injuries, but so far as the petitioner is concerned, it is not attributable that it is only the petitioner who has assaulted the deceased. The petitioner has clean antecedent and he is a sole bread earner of the family. Petitioner is in custody since 20.01.2021. He further submits that the similarly situated co-accused namely Ashok Paswan and Saroj Paswan have been granted bail by this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 22832 of 2021 and vide order dated 02.02.2022 passed in Criminal Miscellaneous No. 43158 of 2021.

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

Considering the aforementioned facts and circumstances of the case and rival submissions of the parties, it appears that there is general and omnibus allegation against the petitioner and there is no direct allegation of assault against the petitioner and similarly situated co-accused namely Ashok Paswan and Saroj Paswan have been granted bail by this Court



vide order dated 18.01.2022 passed in Cr. Misc. No. 22832 of 2021 and vide order dated 02.02.2022 passed in Criminal Miscellaneous No. 43158 of 2021, respectively, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Muzaffarpur (W) in connection with Paroo P.S. Case No. 511 of 2020, 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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