

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47707 of 2021

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

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Sohan Nut, S/O Khalil Khalifa, R/O Village- Bahalolpur, P.S- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 06-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sheo Kumar Prasad, learned counsel for the petitioner and learned APP for the State.

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

The prosecution case is based on the written report filed by the informant stating therein that on 03.09.2020 this petitioner came to her house and asked her husband to come along with him. Thereafter, her husband went to the house of this petitioner, where all the F.I.R. named accused persons



including this petitioner started assaulting him and strangled, due to which her husband died on the spot.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the tenor of the F.I.R. it appears that the informant is not an eye witness to the alleged occurrence and moreover general and omnibus allegation has been levelled against all the F.I.R. named accused persons. It is further submitted that so far the allegation of strangulation is concerned, the same has also not been corroborated by the post-mortem report. It is next submitted that the persons, having identical allegations, have already been granted bail by the different co-ordinate Bench of this Court, the copies of which have been produced before this Court and the same have been taken on record. It is lastly submitted that the petitioner is in custody since 20.01.2021 having clean antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that it is the petitioner, who had asked and taken away the husband of the informant and later on he was brutally assaulted by all the accused persons and done to death.



Having considered the submissions made on behalf of the parties and taking into consideration the fact that the informant is not an eye witness to the alleged occurrence and furthermore the prosecution case does not corroborate by the post-mortem report, as the doctor has not found the cause of death due to strangulation, apart from the fact that co-accused persons, having similar allegations, have already been granted bail by the different coordinate Benches of this Court and moreover this petitioner is in custody since 20.01.2021 having clean antecedent, let the petitioner, 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 Additional Chief Judicial Magistrate-III, West Muzaffarpur in connection with Paroo P.S. Case No. 511 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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