

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38543 of 2022

Arising Out of PS. Case No.-52 Year-2014 Thana- MANER District- Patna

Abhijeet Kumar @ Vicky Son of Sri Suresh Chandra Resident of Mohalla-
Punaichak, P.s.- Shashtrinagar, District - Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party/s : Mr. Satendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2022 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. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Satendra Narayan Singh, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Maner P.S. Case No. 52 of 2014, registered for the offences punishable under Section 302/34 of the Indian Penal Code.

The prosecution case is based on the fardbayan of the informant alleging therein that on account of a land dispute pending between the parties, proceeding under Section 144 of Cr.P.C. was going on and the land in dispute was being



measured by all the accused persons, in the meantime when the father of the informant restrain them, thereupon co-accused Suresh Chandra and his two sons, namely, Abhishek @ Guddu and Abhijeet @ Vicky (petitioner) started assaulting him by fist and slaps, as a result of which his father fell down. Later on, his father was taken to the hospital, however, during the course of treatment he died.

It is submitted by Mr. Ajay Thakur learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that land dispute was going on between the parties and the deceased was none-else but the own maternal uncle of the petitioner. He further submitted that this FIR has been instituted in the background of land dispute and the only allegation against the petitioner and other have leveled that they have assaulted the deceased by means of fist and slaps. He also drawn the attention of this court towards the postmortem report which clearly suggest that the death of the deceased has occurred within 24-36 hour, but surprisingly postmortem was conducted within six hours after the death of the informant's father. He next submitted that considering the aforesaid aspect of the matter, other co-accused persons including the persons who was having identical allegation, have been allowed



privilege of anticipatory bail by the learned Co-Ordinate Bench of this court, the copies of which have been brought on record by way of Annexure-5 and 6 to the bail application. He last submitted that though the case is of 2014 and admittedly the prayer for anticipatory bail of the petitioner was rejected way back in the year of 2015, itself but as the case was under investigation and assurance was given by the I.O. that after proper verification of the matter charge-sheet would be submitted, he did not surrender, however, after having come to know about the fact that till date the police has not submitted charge-sheet, he himself surrendered before the court on 20.05.2022 and since then he is in custody.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that the case is of the year of 2014 and the petitioner remained absconded for about 7 years.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that other co-accused persons having identical allegation have been allowed the privilege of anticipatory bail by the learned Co-Ordinate Bench of this court and moreover, the petitioner having fair antecedent, is in custody since 20.05.2022,



apart from the fact that the present case has been instituted on the background of pending land dispute and the postmortem report also suggested no injuries over the body of the deceased, 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 Judicial Magistrate, 1st Class, Danapur, District- Patna, in connection with Maner P.S. Case No. 52 of 2014, 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)

manoj/-

U		T	
---	--	---	--

