

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50159 of 2021

Arising Out of PS. Case No.-100 Year-2021 Thana- SASARAM NAGAR District- Rohtas

JITENDRA DUBEY Son of Late Raj Bansh Dubey Resident of Mohalla -
Laskariganj, P.S.- Sasaram (T), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in a case registered for the offence under Sections 341, 448, 386 and 302/34 of the Indian Penal Code.

The prosecution case, in short, is that petitioner along with other accused persons forcibly demanded money and grain and also demanded share in land on which the father of the informant refused to give them. In the meanwhile mother of the petitioner and 4-5 unknown persons also case there and forcibly pulled the informant's father from house and taken away outside and the petitioner along with other accused persons jointly shot him. The informant's father



fell down and become received gun shot injury. Thereafter, the informant brought his father to Sadar Hospital, Sasaram for treatment where doctor declared him dead.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is further submitted that it appears from the First Information Report that there is general and omnibus allegation against the petitioner. It is further submitted that it is evident from the First Information Report that there is dispute between both the parties for the Parishioner property and there was no intention to kill anyone. It is further submitted that as it appears from the post-mortem report that the allegation as alleged in the First Information Report did not corroborate with the injury report. It is further submitted that similar situated co-accused persons have been granted bail by a co-ordinate Bench of this Court vide order Dated 28.10.2021 passed in Cr. Misc. No. 38689 of 2021. It is further submitted police after investigation submitted charge-sheet and the petitioner is in custody since 12.03.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sasaram (T) P.S. Case No. 100 of



2021 with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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