

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52445 of 2021

Arising Out of PS. Case No.-355 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

Bittu Kumar @ Shashi Bhushan Kumar S/O Sachchidanand Singh R/O Village-Tekari, P.O-Baraila, P.S-Chenari, District-Rohtas At Sasaram, Pin Code-821111 (BIHAR).

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 396 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act.

According to prosecution case, the informant in his fard-beyan stated therein that Soni Devi aged about 32 years daughter of informant, has reside into her newly constructed house on 15.-7.2020 situated in Village Banrasiya and she and her two daughters namely Manisha Kumari aged about 14 years



and Kallu Kumari aged about 10 years were residing there. Today in the night Kallu Kumari informed on phone to elder daughter of informant that blood is flowing from body of her mother (Soni Devi) and she is writhing and asked to come soon. Elder daughter of informant told the above information to all members of family. The informant alongwith others went to newly constructed house of Soni Devi and saw that Soni Devi has been lying on floor in front of her door and drenched with blood and the goods kept in Almira are scattered. Informant immediately made arrangement of tempo and brought his daughter to the Hospital at Sasaram. The employee of hospital checked her and told that she has died, then the informant brought his daughter Soni Devi at home in village Banrasiya and informed about the occurrence to local police station.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of confessional statement of the co-accused namely Ashok Kumar Yadav and his own confessional statement in Chenari Police Station No. 228 of 2020. He further submits that during investigation nothing has come against the



petitioner and police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that during investigation it has come in para 9 of the case diary that the daughter of the victim namely Kallu Kumari has identified the physical feature and age of the accused and petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Regd. Case No. 306 of 2020 arising out of Sasaram (Muffassil) P.S. Case No. 355 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

mdrashid/-

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

