

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51898 of 2021**

Arising Out of PS. Case No.-71 Year-2020 Thana- SIMRI District- Buxar

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KALIKA DUSADH @ KALIKA PASWAN S/o- LATE RADHA KISHUN
DUSADH Resident of Village- Kharahatand, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Opposite Party/s : Mr.Dinesh Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 05-01-2022 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 in virtual Court proceeding.

The petitioner seeks bail in connection with Simri P.S.Case No.71 of 2020 registered for the offence under Sections 147, 148, 341, 342, 323, 307, 302, 504 of the Indian Penal Code.

Prosecution case, in short, is that the dispute between the F.I.R. named accused and the informant started due to non payment of the dues money by the informant. Thereafter, allegation is that occurrence of assault started and all the F.I.R. named accused persons assaulted with lathi to the father of the



informant, as a result whereof, he died. Co-accused Saroj Ram had also sustained injury, however his statement was not recorded by the police under Section 161 Cr.P.C. Other witnesses have supported the aforesaid allegation, but the doctor has found single injury on the person of the deceased which was a laceration at the scalp and the head injury was the reason for the death.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He further submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR itself that there is general and omnibus allegation against all the accused persons. There is nothing specific against the petitioner. He further submits that co-accused, namely, Hare Ram Paswan and co-accused, namely, Sanjay Paswan have been granted bail vide order dated 19.06.2020 in Cr. Misc. No.20370 of 2020 by a Coordinate Bench of this Court. He further submits that co-accused, namely, Laljee Paswan and co-accused, namely, Ramjee Paswan have also been granted bail vide order dated 29.01.2021 in Cr. Misc. No. 30844 of 2020 by a Coordinate Bench of this Court. Petitioner is in custody since 15.03.2020.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioner.

Considering the facts aforesaid and period of custody, 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 learned C.J.M., Buxar in connection with Simri P.S.Case No.71 of 2020 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)

Nitesh/-

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