

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52139 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- BENIPATTI District- Madhubani

=====

BIRBAL DAS Son of Ram Lakhan Das Resident of Village- Tyotha, P.S.-
Benipatti, District- Madhubani. Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-04-2022 Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with Benipatti P.S. Case No.146 of 2020 (G.R. No.558 of 2020) registered under Sections 143, 323, 341, 427, 379, 384, 504 of the Indian Penal Code.

As per the FIR, 16 named accuseds including the petitioner herein and around 200 unnamed accused persons forcibly entered the mango orchard of the informant and plucked away the mangoes and also damaged the entire property. Further allegation is that not only they threatened the security guard and manager of the informant but also informed that they can implicate the informant and others under the various SC/ST Act.

The omnibus allegation against all the accused persons are that they looted the mangoes and threatened the



informant of dire consequences. The petitioner submits that he is in jail since 12.02.2021 (as stated in para-15 of the bail application). He has further submitted that one of the co-accused Manoj Yadav who has also been named as an accused in the said case has since been granted bail by the learned court below itself, as contained in Annexure-2 which has been filed by way of supplementary affidavit.

Considering the fact that there is omnibus allegation against the accused persons including the petitioner herein, he is in jail since February 2021 and charge sheet has been submitted, this Court is inclined to grant privilege of bail to him. However, since he has number of criminal cases registered under his belt, strict conditions are necessary to be imposed while releasing him on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(twenty thousand) with two sureties of the like amount each in connection with Benipatti P.S. Case No.146 of 2020 (G.R. No.558 of 2020) to the satisfaction of learned A.C.J.M., Benipatti, Madhubani, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid observation the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

