

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53957 of 2021

Arising Out of PS. Case No.-71 Year-2019 Thana- BHARGAMA District- Araria

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Bhajan Das @ Suresh Das @ Suresh Son of late Binhay Das Resident of
Village- Naya Bhargama, Kaitan Tola, Ward No. 3, P.S.- Bhargama, District-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Md. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 03-08-2022 This is an application for grant of bail to the applicant/accused in Crime No. 71 of 2019 registered with Bhargama Police Station, giving rise to Sessions Trial No.98 of 2021, for the offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code. The application is second bail application. His earlier bail application was rejected by my learned predecessor vide order dated 20.01.2021 in Cr. Misc. No. 29318 of 2020.

Heard the learned counsel appearing for the applicant/accused. He argued that the allegations against the applicant are omnibus in nature and co-accused named Nishikant Das is already released on bail by the co-ordinate Bench of this Court vide order dated 17.04.2021 in Cr. Misc.



No. 6120 of 2021. He further argued that there is no progress in the trial.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced. The Hon'ble Supreme Court in the matter of **Sunil Kumar V. The State of Bihar and Another** reported in **(2022) 3 SCC 245**, has categorically observed that the bail order should be a reasoned order and, unfortunately, I could not locate reason for grant of bail to co-accused Nishikant Das. Therefore, the said order is of no assistance to this Court while releasing the applicant on bail, particularly when the earlier application of the applicant/accused was rejected by the co-ordinate Bench of this Court.

Be that as it may, father of the applicant is an eyewitness to the incident in question. The FIR shows that this father had seen his abducted son at the house of Manoj Das where his son was being beaten by said Manoj Das as well as the other persons named in the FIR including the present applicant. Ultimately, Binod Kumar Das, i.e., son of the applicant, succumbed to the injuries. Report of post mortem examination shows that there were injuries on the dead body



and the death was because of asphyxia due to throttling. This is prima facie evidence regarding commission of homicidal death. Name of the applicant is mentioned in the FIR as one of the assailant, **no case for grant of bail to the applicant/accused is made out.** Application is rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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