

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54312 of 2021

Arising Out of PS. Case No.-321 Year-2019 Thana- NATHNAGAR District- Bhagalpur

Kailash Das Son of Anandi Das Resident of village - Govindpur, P.S. -
Madhusudanpur (Nathnagar), District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Nathnagar (Madhusudanpur) P.S. Case No. 321 of 2019 dated 3.7.2019 instituted under section 302/34 of the Indian Penal Code (Sessions Trial No. 181 of 2020) pending before the Additional Sessions Judge-X(I/c), Bhagalpur.

Laxmi Devi, wife of Basuki Das @ Manager Das is the informant. As per FIR, on 2.7.2019 there was a fight between Birju Das and Kailash Das (the petitioner herein) relating to disconnection of electricity. Next day, on 3.7.2019 when Birju Das was going towards Bhagalpur on his motorcycle; it is alleged that five accused persons including the petitioner herein surrounded him and started assaulting him. It is further alleged that accused Upendra Das caught hold of Birju



Das and Kunjay Das hit him on his head by 'Axe' which finally proved fatal.

Learned counsel for the petitioner submits that there was no direct allegation against the petitioner herein. In fact, specific allegation has been levelled against Kunjay Das that he gave the head injury that proved fatal. Learned counsel for the petitioner with the help of impugned order of the learned Sessions Judge submits that the petitioner is in jail since 6.1.2020 and lastly he submits that one of the co-accused Upendra Das has since been granted bail vide Cr. Misc. No. 17526 of 2020 disposed of on 24.3.2021.

Taking into account the aforesaid facts as also that charge-sheet has already been submitted and there is no question of tampering with the evidence and since the petitioner is in jail since 6.1.2020, let the petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-X(I/c), Bhagalpur, in connection with Nathnagar (Madhusudanpur) P.S. Case No. 321 of 2019 subject to the following conditions:

(i) 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 his cancellation of bail by the Trial Court itself;

(ii) he 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.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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