

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53958 of 2021

Arising Out of PS. Case No.-154 Year-2017 Thana- DIGHWARA District- Saran

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Pintu Gop, S/o Late Chpu Rai, R/O Village- Shankarpur, P.S- Shahpur,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
		Mrs. Rajani Kumari, Advocate
For the Opposite Party/s :		Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vijay Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Dighwara P.S. Case No. 154 of 2017 registered for the offences punishable under Sections 302, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that while the son of the informant was taking the boat, several accused persons including the petitioner made indiscriminate firing, causing the death of the son of the informant.



Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus nature of allegation against all the F.I.R. named accused persons including the petitioner. It is next submitted that so far the allegation of indiscriminate firing is concerned, the same has not been corroborated by the post-mortem report, inasmuch as only one firearm injury has been found on the body of the deceased. It is next submitted that co-accused, namely, Laddu Rai, having identical allegation, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 55085 of 2018, vide order dated 10.10.2018, the copy of which has been annexed as Annexure-2 to this bail application. He further submits that the informant is not the eye witness to the alleged occurrence and moreover only because of the past criminal antecedent of the petitioner, he has been implicated in this case and he is in custody since 22.03.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that all the accused persons in furtherance of common intention made indiscriminate firing, causing death of the son of the informant.

Having regard to the submissions made on behalf of the parties and considering the fact that the co-accused person,



having identical allegation, has already been granted bail by the learned coordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Dighwara P.S. Case No. 154 of 2017, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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