

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57839 of 2021**

Arising Out of PS. Case No.-328 Year-2019 Thana- SIKANDRA District- Jamui

Nepali Rawat S/o Nandu Rawat R/o village- Lachhuar, P.S.- Sikandra, Distt.-  
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate.

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      05-04-2022                      Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Sikandra P. S. Case No. 328 of 2019 registered for the offences punishable under Section 341, 323, 307 and 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code has been added.

The prosecution case, as per the F.I.R., is that on the alleged date of occurrence on 12.12.2019, when the informant and his *Mama*, namely, Chandan Kumar (deceased) were going to Sikandra, Heman Rawat and Nepali Rawat (the petitioner) tried to snatch their motorcycle and started assaulting with brick and stone due to which the *Mama* of the informant received serious injury and, later on, he succumbed to the injury.

It is submitted on behalf of the petitioner that soon



after, the wife of the deceased filed a complaint case on 17.02.2020 which was sent to the concerned Police Station and thereafter the same has been registered as Sikandra P. S. Case No. 57 of 2021 wherein she alleged that it is the informant, who is the assailant and only in order to grab the huge amount and property of her husband (deceased), this false case has been instituted. It is next submitted that the petitioner is in custody since 13.12.2019 and the co-accused namely Heman Rawat, against whom there is similar allegation, has already been granted bail by co-ordinate bench of this Hon'ble Court in Cr. Misc. No. 4879 of 2021 vide order dated 12.07.2021 (Annexure 3 to this petition).

On the other hand, learned APP for the State submits that this petitioner has also been implicated in one another case as mentioned in paragraph no. 3 to the petition. However, it is submitted on behalf of the petitioner that the petitioner is on bail in the said case.

Taking into consideration the aforesaid facts and circumstances and the materials available on record that the wife of the deceased has filed a complaint which was later on registered as an F.I.R. and she denied the entire prosecution case and rather she has made allegation against the informant.



Further, the co-accused persons has already been granted bail as stated above, let this petitioner, above named, 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 Judicial Magistrate 1<sup>st</sup> Class, Jamui in connection with Sikandra P. S. Case No. 328 of 2019, subject to the condition that one of the bailors will be the close relative 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.

**(Harish Kumar, J)**

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