

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58899 of 2021

Arising Out of PS. Case No.-388 Year-2020 Thana- LAXMIPUR District- Jamui

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Munna Hansda @ Muneshwar Hansda Son of Parmeshwar Hansda Resident
of Village- Sidhu Mahdar, P.S.- Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed for grant of
regular bail to the petitioner, above named, who has been made
accused and put behind the bar in connection with Laxmipur P.
S. Case No. 388 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 447, 341, 323, 324, 307 and 504
of the Indian Penal Code.

As per the prosecution case, it is alleged that on
18.10.2020, all the 12 named accused persons surrounded the
informant, his nephew and mother and assaulted with *Farsa*,
Tangi and *Sabal* with intention to kill. However, later on, the
mother of the informant Samri Devi died due to head injury.

It is submitted by the learned counsel for the



petitioner that this petitioner is not named in the F.I.R. and his name has transpired during the course of investigation that he was also involved in the said crime. it is further submitted that there is counter version of the present case being Laxmipur P. S. Case 388 of 2020, instituted by accused Bihari Hansda against the informant and his family. It is next submitted that even the post-mortem does not corroborate the allegation made in the F.I.R., as the post-mortem speaks about only one injury. it is further submitted that this petitioner is in custody since 16.05.2021 and is a man of fair antecedent.

On the other hand, learned APP for the State opposes the bail application of this petitioner and submits that his name has transpired during the course of investigation.

It has lastly been submitted by the learned counsel for the petitioner that the other co-accused persons have already been granted bail by co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 38408 of 2021 vide order dated 07.02.2022. A copy of which has been produced before this Court and the same is kept on record.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that the petitioner is not named in the F.I.R. and is in custody since 16.05.2021, apart from the fact that other co-accused persons



have been granted bail by co-ordinate Bench of this Hon'ble Court, let the 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 1st Class, Jamui in connection with Laxmipur P. S. Case No. 388 of 2020, 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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