

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50637 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- BANKA District- Banka

=====

BINOD SAH S/o Prabhu Sah @ Kokay Sah Resident of Village-
Kurthiyatkar, P.S.- Barahat, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 147, 149 and
302 of the Indian Penal Code and Section 7(C) of the Protection
of Mob from Lynching Act, 2017, in connection with Banka
(Barahat) P.S. Case No. 200 of 2021.

As per the allegation, the petitioner and other
named accused persons assaulted the husband of the informant
causing severe injury to him. He was taken to Sadar Hospital
where he succumbed to the injuries.

Learned counsel for the petitioner submits that a
bare perusal of the FIR would show that omnibus allegation has



been made against all the accused persons of having assaulted the informant's husband. He submits that there was previous enmity between the villagers and the petitioner and as the deceased was having criminal antecedents was killed in gang rivalry but the petitioner amongst other has been implicated.

Learned counsel further submits that Shambhu Rajak against whom omnibus allegation was made as against the petitioner has since been released on bail vide Cr. Misc. No. 46711 of 2021 on 22.6.2022 by a coordinate bench of this Court.

Taking into account the aforesaid fact that there is omnibus allegation against the petitioner, he do not have criminal antecedent, the charge-sheet stands submitted, is in custody since 21.7.2022 and one of the co-accused has since been granted the privilege of bail, as stated above, this Court is inclined to grant him the privilege of bail. If however, it is found that he do have criminal antecedent, the bail order shall become infectuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate/Successor Court, Banka, in connection with Banka (Barahat) P.S. Case No. 200 of 2021 subject to the following



conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his/her district(Banka) for a period of one month after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he/she will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(vi) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(vii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

