

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64555 of 2021

Arising Out of PS. Case No.-314 Year-2021 Thana- BASANTPUR District- Siwan

Viran Prasad @ Virendra Prasad, S/o Late Jagdev Prasad, R/o village- Bari
Lakari, P.S.- Basantpur (L.N.G. O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kr. Singh, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Basantpur (L.N.G.O.P.) P.S. Case No. 314 of 2021 registered for the alleged offences under Sections 447, 341, 323, 324, 307, 379, 302 and 34 of the Indian Penal Code.

As per prosecution case, in the background of a minor dispute, the petitioner and other co-accused persons started abusing the daughter of the informant and when the husband of the informant forbade them from doing so, the



petitioner and another co-accused Lalbabu caught hold on him and co-accused Chandeshwar Prasad gave him a knife blow in his intestine. During treatment, the husband of the informant succumbed to his injury.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner has no concern with either of the parties as he is neither their relative nor agnates. From the facts of the case, it is apparent that the allegation of catching hold of the husband of the informant is against this petitioner and one co-accused Lalbabu Prasad and same allegation is also against three other co-accused persons. So this allegation is general and omnibus. The allegation of assault by knife is against the co-accused Chandeshwar Prasad and due to his act of inflicting injury to the husband of the informant, he died. Learned counsel further submits that the co-accused Pushpa Devi has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 14861 of 2022. The petitioner is in custody since 02.08.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP as well as learned counsel for the informant vehemently opposes the prayer for bail submitting



that petitioner caught hold of the husband of the informant when he was assaulted with knife by the co-accused and later on he lost his life.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the allegation against the petitioner which is general and omnibus with other co-accused persons and also considering the clean antecedent of the petitioner along with submission of charge-sheet and his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Basantpur (Lakri Nabiganj O.P.) P.S. Case No. 314 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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