

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64310 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- SAHIYARA District- Sitamarhi

Suresh Das, aged about 23 years, male, Son of Jagu Das @ Jaggu Das
Resident of Village - Maudah, P.S. - Sahiyara, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ayush Kumar, Adv.

For the Opposite Party : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-04-2022 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in Sahiyara P. S. Case No. 90 of
2021, instituted for the offence punishable under Sections
341/323/324/307/34 of the Indian Penal Code. Subsequently,
Section 302 of the Indian Penal Code has been added.

It is the prosecution case that the police party reached the
place of occurrence near the petitioner's house where three



thieves have committed a robbery. It is alleged that two succeeded in fleeing away while one has been mercilessly beaten and subsequently has succumbed to the injuries.

Petitioner's counsel submits that at the spur of the moment, a big mob had assembled and the thief, who succumbed to the injury, was beaten by a large mob. Since the robbery has been taken place in the petitioner's house, he has been named as accused in the instant case along with 10 other persons. The prosecution case itself reveals that the death has occurred due to beating by a mob and, therefore, it is a death which had occurred at the spur of the moment. The petitioner is stated to be in custody since 16-07-2021. He is on bail in Sahiyara P.S. Case No. 187 of 2018 as per statements made in para 3 of the bail petition. During the course of investigation, it has also emerged that the thief, who has allegedly beaten to death, was having a knife in his possession.

The learned APP representing the State has opposed the prayer for bail. The submission is that the thief, who has suffered injury, was mercilessly beaten and witnesses have stated about the petitioner's active participation in the beating.

Considering the rival submissions and the fact that the prosecution case itself alleges beating by a mob and having



regard to the nature of allegations, period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Sitamarhi, in connection with Sahiyara P.S. Case No. 90 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

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

