

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54806 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- WARISNAGAR District- Samastipur

1. AJAY SADA Son of Sulindra Sada Resident of Village - Kishanpur, P.s.- Warisnagar, Distt.- Samastipur.
2. Sunil Sada Son of Bhulla Sada @ Bhoola Sada Resident of Village - Kishanpur, P.s.-Warisnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the State through video conferencing in view of the Covid-19.

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

The petitioner is in judicial custody in connection with Warisnagar P.S. Case No. 197 of 2022 for the offences under Sections 302/34, 323, 504 of the Indian Penal Code.

As per the FIR, the informant has given a computer typed application before the police on 10.6.2022 alleging therein that on 22.5.2022, there was a feast at the house of Anil Sada when it is alleged that his cousin brother, Suresh Sada came and inquired why he has not been invited and the abuse later



resulted into assault. Accordingly, the injured was taken to the Samastipur Private Hospital where he died on 7.6.2022.

Learned counsel for the petitioner submits that for occurrence on 22.5.2022, the computer typed FIR was lodged on 10.6.2022 and bare perusal of the FIR would show that there has not been any explanation why for an assault 22.5.2022, no FIR was lodged on that day and even after the person died on 7.6.2022, 72 hours later, this FIR was lodged.

It is his further submission that actually the petitioner died of heart attack and for the said abuse that may have taken place between the family members for having not invited, taking a leaf out of the said abuse, the natural death was converted into the murder and accordingly, the agnates are in judicial custody since 11.6.2022 (as stated in para-14 of the bail application). It is his last submission that the petitioners have clean antecedents.

Learned APP has opposed the prayer of bail stating that despite being family members, they assaulted the deceased.

Considering the aforesaid averment made and taking into account the inordinate delay in lodging of the FIR inasmuch as the alleged assault took place on 22.5.2022 and the death occurred on 7.6.2022, still the FIR was lodged on 10.6.2022, the petitioners have do not have criminal antecedents, are in custody



since 11.6.2022 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. If however, it is found that any of the petitioner has criminal antecedent, his bail order shall become infructuous.

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, Samastipur, in connection with Warisnagar P.S. Case No. 197 of 2022, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners 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;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay-

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

