

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67810 of 2021

Arising Out of PS. Case No.-369 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

ANIL BIND Son of Shankar Bind Resident of Village- Sikara, P.S.- Sonhan,
District- Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

At the outset learned counsel for the petitioner has submitted that in this case charge-sheet has been filed under various sections of the Indian Penal Code including under Section 302 I.P.C. but because Section 302/34 I.P.C. has yet not been added in the F.I.R. so he has not stated the same in paragraph '1' of the present application.

Petitioner, in the present case, is seeking regular bail in connection with Bhabua (Sonhan) P.S. Case No. 369 of 2020 registered for the offences punishable under Sections 341, 323,



324, 379, 354, 307 and 34 of the Indian Penal Code. He is in custody since 04.02.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he was present at his door on 16.06.2020 at 1:30 O'clock, the neighbours namely, Shankar Bind, Rupa Bind, Anil Bind, Shyam Sundar Bind came there with arms, lathi, garasa and gun and demanded Rs. 20,000/- as rangdari and assaulted him on his head. The informant further alleged that when his father and mother tried to save him, all the accused persons also assaulted them by means of lathi and Garasa.

Learned counsel for the petitioner submitted that petitioner has been falsely implicated in this case. Learned counsel submits that the co-accused namely Shankar Bind and Rupa Bind have been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 16403/2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submissions that in this case F.I.R. has been lodged one day after the alleged occurrence, the injured was treated and then discharged on 23.06.2020 but 21 days later he died, there is no specific allegation against the



petitioner of commission of overt act and the prosecution story that all the accused persons had assaulted the informant is not corroborated from the post-mortem report which shows only one injury on the head of the deceased and further submission that the co-accused similarly situated namely, Shankar Bind and Rupa Bind have been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 16403/2021, the petitioner has remained in custody since 04.02.2021, investigation against him is complete and his further incarceration is not likely to come in aid of the investigation or prosecution as also that his presence may be secured in course of trial, therefore, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Kaimur at Bhabua in connection with Sessions Trial No. 155 of 2021 arising out of Bhabua (Sonhan) P.S. Case No. 369 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

