

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68174 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- BIDUPUR District- Vaishali

Abhay @ Abhay Das @ Abhay Kumar Das, S/o Harendra Das, R/o village-Mail, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office
be removed within 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 Bidupur P.S. Case No. 32 of 2020, registered
for the alleged offences under Sections 302/120B/34 of the
Indian Penal Code.

As per the prosecution case, the son of the informant
was found murdered at his poultry farm and the petitioner and
other co-accused persons were stated to be present there in the
fateful night. The neck of the son of the informant was found to
be slit and his new motorcycle was allegedly taken away by the



petitioner and other co-accused persons.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is clear from the FIR that there is no specific allegation against this petitioner and the allegations are general and omnibus. There is not eye witness to the alleged occurrence and only on suspicion, this petitioner has been made accused in this case. The co-accused Yadav Jee, who has been named in the FIR having similar allegation, has been granted bail by a Coordinate Bench of this Court vide order dated 24.03.2021 passed in Cr. Misc. No.40062 of 2020. The other co-accused persons, namely Ashok Kumar and Md. Sonu have also been granted bail by different Coordinate Benches of this Court vide order dated 31.03.2022 passed in Cr. Misc. No.52412 of 2021 and order dated 08.12.2021 passed in Cr. Misc. No.35933 of 2021, respectively. The petitioner has no criminal antecedent and he is in custody since 26.04.2021. The charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail of the petitioner.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of



substantive material to connect the petitioner with the alleged crime and further considering the grant of bail to similarly placed co-accused persons and also considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he 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 Judicial Magistrate-1st Class, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 32 of 2020, 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 a close relative of the petitioner.
- (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)

V.K.Pandey/-

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