

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61521 of 2022**

Arising Out of PS. Case No.-191 Year-2021 Thana- LODIPUR District- Bhagalpur

1. Ganesh Das Son Of Late Govind Das R/O Village- Lodipur, P.S.- Lodipur, District- Bhagalpur
2. Umesh Das Son Of Late Govind Das R/O Village- Lodipur, P.S.- Lodipur, District- Bhagalpur

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Bijendra Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

2 22-12-2022 This case is listed for out of turn hearing under the heading "To be Mentioned" on account of the fact that wife of the petitioners, Ganesh Das is seriously ill and there is no male member in his family to look after.

Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Lodipur P. S. Case No. 191 of 2021, registered for the offences punishable under Sections 147, 341, 323, 324, 307 and 302 of the Indian Penal Code.

The prosecution story as emerges from the FIR is



that the petitioners and their associates came to the house of the informant and took his son with them and assaulted him by *lathi, danda, gupti, hasua* etc. due to which he got injured. Thereafter, he was taken to the hospital but on the way he died.

Ld. counsel for the petitioners submits that the petitioners is innocent and has falsely been implicated in this case. She further submits that there is general and omnibus allegation against all the accused persons for assaulting the victim, which resulted into his death. She further submits that as per post-mortem report, there is only one stab injury. She also submits that other co-accused persons, namely, Jogi Das and Ramjee Das have already been enlarged on bail *vide* order dated 11.10.2022, passed in Cr. Misc. No. 39806 of 2022. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

The petitioners have been languishing in jail since 24.09.2021.

It is also stated in paragraph no. 2 of the petition



that the petitioners have not moved earlier before this Court for grant of anticipatory or regular bail.

It has further been stated in paragraph no. 3 that the petitioners have no criminal antecedents.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioners for bail saying that the said offence is very serious in nature.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Bhagalpur, in connection with Lodipur P. S. Case No. 191 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their



absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bonds of the petitioners.

The application stands allowed accordingly.

The Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office



within a period of one month and the Registry is directed to
issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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