

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17885 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- SULTANGANJ District- Bhagalpur

TANIK LAL BIND S/o Late Jhago Bind R/o village- Adarshnagar, Pildauri,
P.S.- Sultanganj, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Pramod Kumar Mallick, Advocate
For the Opposite Party/s	:	Mr. Jai Narain Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-02-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 342, 307, 302/34 of IPC.

The prosecution case, in short, is that on 11.11.2021 at 6.00 P.M. the petitioner and 3-4 others are assaulting Dhruv Bindh (brother of the informant) by iron rod in their house at Pildauri. On such information, the informant along with his cousin Devdat Bind and other villagers reached and found that



all doors of the house of Navin Bind are closed. Even on cry the doors were not opened. The local police came then somehow the doors were opened. It was found that Dhruv Bind (brother of the informant) has got injury on head at two places and blood is oozing out. The deceased was shifted to Referral Hospital, Sultanganj where the Doctor declared him dead. It is further stated that the petitioner and 3-4 persons assaulted the brother of informant due to which he died.

Learned counsel for the petitioner further submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. Further submits that it is true that the dead body of the deceased was found in the house of the petitioner but there is no eye witnesses of the alleged occurrence and the petitioner is father of co-accused Navin Bind so he has falsely been implicated in the present case. Further submits that co-accused Navin Bind has also filed a case i.e. Sultanganj P.S.Case No. 234 of 2021 under Sections 341,323,504,506/34 of IPC against the deceased. Further submits that the four injuries have been found on the person of the deceased and it appears from the FIR that there is no specific allegation of any assault or overt-act against the petitioner and there is general and omnibus allegation against



the petitioner only on the basis of the suspicion and except the suspicion, no other cogent material has come during investigation against the petitioner.

Vide order dated 17.01.2023 a report was called for with regard to the present status of the trial. Report of the learned Trial Court at “Flag-A” reveals that out of eight witnesses, only three witnesses have been examined.

Learned senior counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 12.11.2021.

Learned counsel for the informant as well as learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, 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 learned court below where the case is pending in connection with Sultanganj P.S.Case No.246 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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