

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23599 of 2023

Arising Out of PS. Case No.-245 Year-2021 Thana- GANGABRIDGE District- Vaishali

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SUJIT DAS S/O NAGINA DAS R/O Village- Diwan Tok, P.S- Ganga Bridge,
Distt.- Vashali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
16.12.2022 in connection with Ganga Bridge P.S. Case No. 245
of 2021, F.I.R. dated 06.11.2021 for the offences punishable
under Sections 326, 302, 504, 506, 34 of the Indian Penal Code.

According to prosecution case, as per F.I.R. the
informant Nagendra Das stated inter-alia that on 29.10.2021 at
08:00 P.M. night informant's son Jitendra Kumar after taking
meal went out to Darwaja, in that course Nagina Das, SuJit Das,
under the intoxication of liquor came there, abused and told why
do you have pain if we deal in liquor and you complain in police
station and thereafter both the accused beat informant and his
son, on crying Nagina Das took out sharp edge knife and his son



Sujit Kumar caught Jitendra Kumar and attacked several times by knife on Jitendra Kumar causing injury and bleeding the informant saw his son Jitendra Kumar badly injured and writhing and Nagina Das threatened by showing the blood stained knife to the informant and threatened to kill him.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation against the petitioner that he has caught hold the son of the informant and the co-accused namely, Nagina Das has inflicted the sharp edge knife blow on the son of the informant. He further submits that bare perusal of the F.I.R. that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is specific allegation against co-accused Nagina Das. He further submits that the petitioner has been implicated in the present case because father of the petitioner has filed the case bearing Ganga Bridge P.S. Case No. 115 of 2019 against the informant and his family members. He further submits that the police after investigation submitted the



charge sheet against the petitioner and the petitioner is in judicial custody since 16.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 245 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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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