

Arising Out of PS. Case No.-92 Year-2021 Thana- SIMULTALLA District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Nikita Mittal, Adv. Mr. Akash Raj, Adv.
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the Informant	:	Mr. Bharat Lal, Adv. Mr. Rabindra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2023 1. Heard Ms. Nikita Mittal, learned counsel for the
petitioner, Mr. Bharat Lal, learned counsel for the informant and
Mr. Ajit Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 28.12.2022 seeks bail, in connection with Simultala P.S. Case No. 92/2021, dated 02.12.2021, for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 302, 307, 447, 504 of the IPC.

3. According to prosecution case, the petitioner is alleged to have given tangi blow upon the chest of the deceased, due to which he died.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare perusal of



the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner that he along with other co-accused persons have assaulted with back side of tangi upon the chest of the deceased. He further submits that co-accused, namely, Ramdev Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 17.04.2023 passed in Cr. Misc. No.44072/2022, other co-accused namely Nageshwar Mahto has been granted bail vide order dated 25.05.2022 passed in Cr. Misc. No.18058/2022 and other co-accused namely Manoj Mahto @ Manoj Kushwaha has been granted bail vide order dated 03.05.2023 passed in Cr. Misc. No.23239/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.12.2022.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner.

6. 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 A.C.J.M.-2nd, Jamui in connection with Simultala P.S. Case No.92/2021, 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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