

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40435 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- SASARAM NAGAR District- Rohtas

NAGINA BIND son of Late Ram Bachan Bind Mohalla- kadirganj Ps-
Sasaram Darigaon Dist- Rohtas Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in custody since 07.04.2023 in connection with Sasaram (T) P.S. Case No. 275 of 2023 for the offence punishable under Sections 147, 148, 149, 188, 153 (A) 341, 342, 323, 337, 338, 353, 307, 427, 435, 436, 504, 505, 506 of the I.P.C. and Section 27 of the Arms Act and letter on Section 302 of IPC is added lodged on 31.03.2023 by the informant Basant Kumar Singh.

A supplementary affidavit has been filed stating that it was wrongly stated in para 3 that he do no have criminal antecedent. As per para 3 of supplementary affidavit he is an accused in connection with Sasaram (T) P.S. Case No. 1018 of 2013.

As per the prosecution story during ‘Ram-Nawmi’ festival, the people from both the community assembled and



tried to disturb the peace and the solemn occasion of the said festival and in the process, allegation is that they resorted to bricks and stones causing injury as also death of an innocent person. On the basis of CCTV footages and other sources, around 200-250 people were rounded off, the petitioner being one of them.

Learned counsel for the petitioner submits that he was a mere passer-by and nothing to do with the alleged incitement against any community and has already suffered by being in custody since 07.04.2023 (as stated in para 19 in the bail application). He further submits that irrespective of the outcome of the present case and accepting the allegation, the petitioner would like to contribute Rs. 2,000/- to Chief Minister Relief Fund.

Mr. Jitendra Kumar Singh, learned APP on the other hand submits that now the supplementary affidavit has come which shows that he has criminal antecedent.

Taking into account the custody period as also that he is 65 years of age, this Court is inclined to extend him the privilege of bail, subject to the undertaking given by the learned counsel for the petitioner of making payment of Rs. 2000/- which has to be deposited and receipt to be filed at the time of



execution of bail bond.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate Rohtas at Sasaram, in connection with Sasaram (T) P.S. Case No. 275 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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