

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43198 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- SULTANGANJ District- Patna

BHOLA DOM @ BHOLA RAM S/o Nand Dom Resident of Musallahpur
Hat, P.S.- Sultanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 9 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 325, 302 of the
Indian Penal Code.

As per prosecution case, petitioner and others
crushed the forehead of informant's husband with stone and
during the course of treatment he died.

Learned counsel for the petitioner submits that
petitioner has been made accused on account of old enmity as
earlier petition has been lodged against the victim since



deceased and his family members who were facing the trial in Sultanganj P.S. Case No. 87/2018. There is no eye witness to the alleged occurrence and the allegation against the petitioner is general and omnibus in nature. No incriminating article has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that petitioner is in custody since 15.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner by submitting that there is multiple injury on the body of the deceased.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Patna City in connection with Sultanganj



P.S. Case No. 9 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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