

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56015 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- DHANARUA District- Patna

Samaru Prasad @ Samaru Yadav @ Shyam Narayan Singh Son Of Late Fagu
Prasad R/O Vill- Sebdaha Bigha Par, Ps- Dhanarua, Dist- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Abhigyan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with STR No. 777 of 2023 arising out of Dhanarua P.S. Case No. 125 of 2023 for the offence punishable under Sections 147, 149, 341, 323, 307, 302, 120B of the Indian Penal Code and 27 of Arms Act lodged on 10.3.2023 by the informant, Bijanti Devi.

As per the prosecution story, the informant alleged that the named accused persons called her husband on mobile and assaulted him and later, killed him and the dead body was being taken in a car. This led to lodging of the FIR.

It is the case of the petitioner that omnibus allegation has been made against the accused persons, he being a very old man of 81 years, have not done anything and only due to



previous enmity relating to 'Nali-Gali Yojana' he has been implicated and is in custody since 13.3.2023 (para-12 of the petition), further, he do not have criminal antecedent.

Learned APP opposes the prayer stating that it is the case of murder of husband of the informant.

Considering the fact that omnibus allegation has been made against the petitioner, he is an old man of 81 years, do not have criminal antecedent and has remained in custody since 13.3.2023, this Court is inclined to extend him the privilege of bail with conditions.

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 Additional District and Sessions Judge-II, Civil Court, Masaurhi, Patna in connection with STR No. 777 of 2023 arising out of Dhanarua P.S. Case No. 125 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 fortnight for next six months 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)

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