

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54510 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- SARAIYA District- Muzaffarpur

Umesh Das Son of Late- Ramji Das Resident of Village- Gangauliya, P.S-
Saraiya District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shivendra Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Jitendra Kumar Singh, APP
For the informant :	Mr. Alok Kumar Alok, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard Mr. Shivendra Kumar Sinha, learned
counsel for the petitioner and Mr. Alok Kumar Alok, learned
counsel who represents the informant as also Mr. Jitendra
Kumar Singh, learned APP in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Saraiya P.S. Case No. 265 of 2022 under sections 447, 341,
307, 354, 504 and 34 of the Indian Penal Code.

As per the prosecution story, the accused persons
entered the house of the informant and tried to kidnap his
daughter and when family members opposed, the specific
allegation against Dilip Das is of giving 'lathi' blow on the head



of his son, Dhiraj Kumar, whereafter, Anil Das pierced screw-driver near his eyes causing grievous injury to him.

Subsequently, the injured succumbed to the injuries. Accordingly, the FIR.

Learned counsel for the petitioner submits that the alleged occurrence took place on 21.4.2022 whereas the FIR was lodged on 2.5.2022 and a perusal of it does not explain why there was such delay of 10 days. Further, the implication of the petitioner becomes important in the backdrop of the fact that although the specific allegation were made against Dilip Das and Anil Das of giving fatal blows to the unfortunate son of the informant, in zeal to implicate all the family members, the lodging of the FIR was delayed and accordingly, he has been dragged though he do not have criminal antecedent.

Learned counsel for the informant on the other hand submits that it is unfortunate that the accused persons tried to kidnap the daughter in front of his father (informant) and in the process, also killed his son and thus he does not deserve bail.

He further submits that the anticipatory bail of Dilip Das has been rejected.

Considering the fact that specific allegation is against Dilip Das of giving fatal blow to the informant's son,



there has been delay in lodging of the FIR without any plausible explanation and further the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of bail subject to certain conditions:

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

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) 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;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-4th, West, Muzaffarpur, in connection with Saraiya P.S. Case No. 265 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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