

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59285 of 2022

Arising Out of PS. Case No.-257 Year-2019 Thana- MOKAMAH District- Patna

FANTUSH SAW @ SHARWAN SAO @ SATBAN KUMAR Son of Late
Anandi Saw, Resident of village- - Shivnar, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302/34 of Indian Penal Code.

As per the prosecution case, the seven accused
persons came variously armed. It is further stated that petitioner
caught hold of the father of the informant while Anoj Saw gave
a blow with an iron rod on his head as a result of which he fell
down injured. Thereafter it is stated that the five named accused
persons including the petitioner herein assaulted him brutally
with lathi, rod etc.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case due to previous land dispute.



There is general and omnibus allegation against the petitioner to assault the deceased. There is no specific allegation against the petitioner to assault, specific allegation to assault by iron rod to the victim is attributed against Anoj Saw @ Anuj Saw, petitioner only caught the deceased. Co-accused namely, Anoj Saw has been granted bail by order dated 05.01.2021 passed in Cr. Misc. No. 29922 of 2020, other co-accused namely, Deepak Kumar and Ram Charan Kumar have granted anticipatory bail vide order dated 06.10.2021 passed in Cr. Misc. No. 5976 of 2020. Another co-accused persons namely, Manoj Saw and Lalan Saw have been granted bail vide order dated 20.03.2020 passed in Cr. Misc. No. 2009 of 2020 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.08.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Mokama P.S. Case No. 257 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Rajiv/-

U		T	
---	--	---	--

