

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68445 of 2023

Arising Out of PS. Case No.-68 Year-2021 Thana- NASRIGANJ District- Rohtas

1. Mithesh Kumar @ Mithilesh Kumar Son of Dudheshwar Singh @ Sadhu Singh R/o vill and P.S. - Nasriganj, Distt. - Rohtas at Sasaram.
2. Nagendra Yadav @ Nagendra Kumar Singh Son of Bishwanath Yadav @ Bishwanath Singh R/o vill - Nasriganj Yadav Tola, P.S. - Nasriganj, Distt. - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with
Nasriganj P.S. Case No.68 of 2021, lodged on 30.04.2021,
under Sections 147/149/323/325/302 of the I.P.C.

3. As per the prosecution case, the FIR has been
lodged against 12 named accused persons including the
petitioner and thirty unknown. Allegation is that they all have
started *Hulla-Gulla* on the stage in the night of 29.04.2021 when
deceased Dadan Singh and others reached there they all attacked
on Dadan Singh, which resulted into his death.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence. He submits that from a bare reading of the FIR, there is general and omnibus allegation against the accused persons including the petitioners. There is no specific overt-act alleged against the petitioners. Counsel further submits that it is the day on which solemnization of marriage was going on. Counsel submits that the antecedent of the petitioners are clean and they are in custody since 17.08.2023. The counsel has taken the plea that other two similarly situated co-accused have been granted bail by a coordinate Bench of this Court vide order dated 11.04.2022 passed in Cr. Misc. No.59067 of 2021.

5. Learned counsel for the State opposes the prayer for bail and submits that it is true that there is no specific allegation against the petitioners but it is also true that death has been caused by the collective attack of the petitioners and others.

6. Upon perusal of the said order, it transpires that the said petitioners were in custody since 01.05.2021 having clean antecedent and bail has been granted near about completion of about 11 months. Here in the present case even three months have not completed.

7. In the present facts and circumstances of this case



and the submissions made above, let the petitioners, above named, be released on bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bikramganj, Rohtas at Sasaram, in connection with Nasriganj P.S. Case No.68/2021, subject to the following conditions:

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

(ii) the petitioners 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 their bail bonds by the Trial Court itself;

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

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

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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