

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58304 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- SIMULTALLA District- Jamui

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TRIPURARI KUMAR S/o Umesh Mahato Resident of Village- Gadi Telwa,
P.S.- Simultala, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69873 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- SIMULTALLA District- Jamui

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ARVIND KUMAR S/O Binod Mandal R/O- Gadi Telwa, P.S- Simultalla,
District- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58304 of 2022)

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

(In CRIMINAL MISCELLANEOUS No. 69873 of 2022)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 04-01-2023 As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.

The learned counsels for the petitioners are directed to remove all the defects pointed out by the Stamp Reporter within one month.



Heard learned counsels for the petitioners and the learned APPs for the State.

Petitioners seek regular bail in connection with Simultalla P.S. Case No.56 of 2021 registered for the offences punishable under Sections 147, 149, 302 and 120(B) of the Indian Penal Code.

As per the prosecution, the informant's father (now deceased) was assaulted by these petitioners along with other co-accused persons by means of Tangi and Lathi. Further Petitioner No.2 Arvind Kumar was alleged to have inflicted repeated Lathi blow on the deceased and Petitioner No.1 Tripurari Kumar was alleged to have inflicted a Tangi blow on Vikas's head.

The main submissions advanced by the learned counsel Mr. Satya Prakash Parasar appearing for the petitioner Tripurari Kumar are that the petitioner earlier preferred Cr. Misc. No.13579 of 2022 for the relief of regular bail which was rejected by this Court with giving a liberty to the petitioner to renew his prayer for bail after the examination of material prosecution witnesses but till now only one prosecution witness has been examined and the prosecution is not taking any interest to produce the remaining witnesses and the petitioner has been



languishing in jail since 10.08.2021 and he has got bail in respect of other cases mentioned in the FIR of the instant case and in between both the parties the title suit is running and one similarly situated co-accused person namely Vikram Kumar has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.24130 of 2022 while the petitioner's case stands on a better footing from him.

The main submissions advanced by the learned counsel Mr. Amresh Kumar Sinha appearing for the petitioner Arvind Kumar are that this petitioner's earlier prayer for bail was rejected by this Bench with giving a liberty to him to renew his prayer for bail after the framing of charge, accordingly he has now come again for the same relief after the framing of charge and one similarly situated co-accused person namely Vikram Kumar has been considered for bail by a co-ordinate Bench of this Court and this petitioner has been languishing in jail since 11.08.2021 and in the FIR there is no serious allegation against him and the charge was framed on 17.06.2022 and the prosecution is not interested in producing the witnesses and till now only one witness has been examined by the prosecution.

Learned APPs Mr. Bharat Lal and Mr. Suresh Prasad



Singh appearing for the State have opposed the bail prayer.

Considering the above submissions and mainly taking into account the fact that one similarly situated co-accused Vikram Kumar has been considered for bail by a co-ordinate Bench of this Court and as per the above submission the prosecution has examined only one witness after the framing of charge in the trial of the petitioners, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners 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 the concerned Court in connection with Simultalla P.S. Case No.56 of 2021, on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.



(3) One of the bailers shall be a close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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