

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68079 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- DAWATH District- Rohtas

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BANTI KUMAR Son of Binod Singh Resident of Village - Khairahi, P.S.-
Dawath, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 Heard learned counsel appearing on behalf of the

parties.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dawath
P.S. Case No. 129 of 2021 registered for the offence under
Sections 147, 148, 149, 341, 323, 325, 307, 302 and 506 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.05.2022.

The allegation against the petitioner is to commit
murder of husband of the informant along with other co-accused
persons and also assaulted the informant and her family
members with fight and fist and also assaulted on the hydrocele



of her husband, where occurrence is founded over partition of ancestral property.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is of 04.09.2020, for which, present FIR was lodged on 25.08.2021, after about 10 months without having any just explanation. It is submitted that occurrence was of free fight in nature, where, both the parties have received injuries, where, dispute was founded over partition related issue of ancestral properties. It is also pointed out that allegation as regard to assault is not appearing specific as per FIR and the same is appearing very much general and omnibus in nature. It is also submitted by learned counsel that other co-accused, namely, Ram Kripal Singh and Vinod Singh have already been granted bail by learned Trial Court, itself. While concluding the argument, it is submitted that petitioner is nephew of the deceased, who is a student and a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that this petitioner was actively participated in the occurrence.



Considering the facts and circumstances as mentioned above and by taking note of unexplained delay to lodge present FIR, where, allegation as regard to assault appears very much general and omnibus in nature against petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dawath P.S. Case No. 129 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate – 1st Class, Bikramganj, Rohtas/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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