

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72568 of 2022

Arising Out of PS. Case No.-400 Year-2022 Thana- DEHRI TOWN District- Rohtas

Durga Prasad S/O Late Shiv Govind Prasad R/O Village- Narayanpur
Bhaluwadi, P.S- Indrapuri, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Dehri (Indrapuri) P.S. Case No. 400 of 2022 dated 07.06.2022 registered for the offences punishable under Sections 406, 420, 467, 468, 328, 302 and 34 of the Indian Penal Code.

4. The main submissions advanced by learned counsel for petitioner are that in the alleged transaction of Rs. 29,00,000/- (Twenty-nine lakhs) which took place between the deceased (husband of the complainant) and co-accused persons Raghupati Pandey and Binod Ram, the petitioner simply played the role of

witness and he did not receive any part of the alleged consideration amount and the allegation of poisoning the informant's husband is general and omnibus in nature against the petitioner and other co-accused persons and the alleged offences of Sections 328 and 302 of IPC are not made out and the instant matter mainly attracts the civil wrong against all the accused persons including the petitioner and moreover, the petitioner has been languishing in jail since 13.08.2022 having fair and clean antecedent.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Considering the above submissions and mainly the facts that as per above submissions, the petitioner simply played the role of witness in the alleged transaction and the allegation as to poisoning the victim made by the complainant is general and omnibus and as per the order impugned, the petitioner's trial has started, in my opinion, a lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Dehri (Indrapuri) P.S. Case No. 400 of 2022.

(Shailendra Singh, J)

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