

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60147 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- ROSERA District- Samastipur

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Bipin Das @ Vipin Das Son of Late Fulichandra Das Village -Devanpur ward
no 12 , PS -Rosera Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 16-12-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in connection with
Rosera P.S. Case No. 73 of 2024 dated 13.03.2024, instituted for
the offence punishable under Section 302/34 of the Indian Penal
Code.

3. Allegation against the petitioner is that on 09.03.2024 at
about 7:00 PM, he along with 4-5 unknown persons came at the
house of the informant and took her husband to see fair at
Baghopur along with them. It is further alleged that with an
intention to kill him they badly assaulted and threw him on
Karpoori Chowk. It is further alleged that on 11.03.2024 at about
11:00 PM during treatment he died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that petitioner has been made accused



only on the basis of suspicion. It is further submitted that the alleged occurrence took place on 10.03.2024 but the FIR instituted on 13.03.2024 after lapse of three days without any explanation for the delay of three days. On bare perusal of the FIR, it reveals that no reason of alleged occurrence has been stated by the informant which clearly shows that the present case lacks motive. It is also submitted that informant filed a written application before the concerned Court in which she has stated that her husband was suffering from different diseases and on the occasion he went to see fair, he died due to accident and it is also mentioned that at the instance of villagers she lodged the present case. Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsels for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Rosera P.S. Case No. 73 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-1st, Rosera, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-



(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

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