

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69612 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- SARMERA District- Nalanda

Dilip Raut S/o- Chhotelal Raut Resident of Village- Gausnagar, P.S.- Sarmera,
Dist- Nalanda Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sarmera P.S. Case No. 24 of 2024, registered
for the offence punishable under Sections 341, 323, 302, 447,
504, 506, 147, 148 and 149 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Allegedly while the informant along with his
brother and cousins were in their house, in the meantime, all the
FIR named accused persons, including the petitioner, and other
unknown persons armed with various weapon came there and
started abusing. When the informant and his cousins protested
they were assaulted by all the accused persons. It is further
alleged that in the meanwhile when the uncle of the informant



came there and protested, on the exhortation made by co-accused Dilip Rout, Shankar Kevat has made indiscriminate firing due to which the uncle of the informant received fatal injury.

4. Learned Advocate for the petitioner contended that so far the specific allegation of firing is concerned, that has been attributed against co-accused Shankar Kevat. The petitioner is said to be an order giver. The reason behind the false implication of the petitioner is said to be a previous case being Sarmera P.S. Case No. 111 of 2019, instituted by the petitioner against the full brother of the informant, the copy of which has been marked as Annexure-2 to the bail application. It is next contended that co-accused Sharvan Kewat, against whom there is allegation of active participation, has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 62189 of 2024 vide order dated 04.09.2024. The petitioner, having clean antecedent, has been incarcerated since 14.05.2024. Now the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the it is the petitioner, on whose exhortation co-accused Shankar



Kewat made indiscriminate firing, which proved fatal for the deceased. It is next contended that the enmity is the sword, which cuts both the side and the reason for occurrence is writ large.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, which is only confined to exhortation, coupled with the fact that co-accused Sharvan Kewat against whom there is allegation of participation in the crime, has been allowed the privilege of regular bail by this Court, as also the fair antecedent of the petitioner and the investigation being completed and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 24 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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