

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13865 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- PAKARIBARAW District- Nawada

1. SURESH SAW, Son of Mishri Saw Resident of Village - Gangati, P.O.- Risse, P.s.- Pakribarawan, Distt.- Nawada.
2. Sandeep Kumar, Son of Suresh Saw Resident of Village - Gangati, P.O.- Risse, P.s.- Pakribarawan, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar Jha
Mr. Kundan Kumar
Mr. Raghvendra Kumar
Mr. Anil Kumar
For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Pakribarawan P.S. Case No. 308 of 2021, dated 30.09.2021, registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307,



379 and Section 302 of the Indian Penal Code.

As per allegation, the petitioners along with their associates assaulted the informant's husband by *lathi, danda, rod etc.*, due to which he died.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. The informant is not an eye witness to the occurrence. He further submits that the statement of the informant is not reliable in view of the fact that the deceased was in such an injured condition that he was not in a position to state anything. He also submits that only general and omnibus allegation has been levelled against the petitioners. He further submits that no incriminating articles or weapons have been recovered from the possession of the petitioner and no Test Identification Parade has yet been conducted. He also submits that similarly situated co-accused persons have already been enlarged on bail by different Benches of this Court *vide* orders dated 09.06.2022, 13.07.2022 and 14.07.2022, passed in Cr. Misc. No. 5399 of 2022, Cr. Misc. No. 16112



of 2022 and Cr. Misc. No. 12373 of 2022, respectively.

The petitioners are in custody since 30.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail, saying that the alleged offence is serious in nature.

However, considering the aforesaid facts and circumstances and also the fact that similarly situated persons have already been enlarged on bail as well as the nature of report given by the wife, received from a deceased in such injured condition, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Pakribarawan P.S. Case No. 308 of 2021 dated 30.09.2021 on the following



conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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