

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53354 of 2016

Arising Out of PS.Case No. -264 Year- 2016 Thana -BARHARA District- BHOJPUR

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1. Jay Prakash Roy, son of Janardan Roy
 2. Sandeep Roy, son of Jay Prakash Roy
 3. Munna Roy, son of Subash Roy. All residents of village Khawashpur Gaura Ke Tola, P.S. Barahara (Krishnagarh O.P.) District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing for the informant.

Petitioners are languishing in judicial custody since 05.09.2016 in connection with Barhara P.S. Case No. 264/16 registered for the offences punishable under Section 302 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that 22 persons including the petitioners variously armed with *lathi danda* and fire-arm came and assaulted the family members of the informant. Accused Hira Lal Roy fired on Rakesh Kumar, who succumbed to the injuries



and Rajesh Roy fired on his uncle Umesh Yadav. The reason behind the alleged occurrence is land dispute.

It has been submitted by the learned counsel for the petitioners that they are innocent, have no criminal history and the post mortem report of Rakesh Kumar speaks of only one injury caused by fire-arm, which cannot be attributed to the petitioners. It is submitted that charge-sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence and that another co-accused on similar allegation has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 52697 of 2016 on 07.12.2016.

Learned counsel for the informant, however, submits that all the accused persons including the petitioners had assaulted the deceased and uncle of the informant and other family members resultantly one person succumbed to his injuries, hence, opposes the prayer for bail.

Learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances and submission of the parties, since charge-sheet has already been submitted and another co-accused on similar



allegation has since been granted the privilege of bail, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Barhara P.S. Case No. 264/16, subject to the condition that one of the bailors would be a close relative and the other bailor must have sufficient immovable properties within the jurisdiction of the concerned police station and that petitioners are directed to appear before the learned court below during trial as and when required, failure of which will be liable for cancellation of their bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

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