

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50216 of 2016

Arising Out of PS.Case No. -229 Year- 2016 Thana -AHIAPUR District- MUZAFFARPUR

- 1. Rajendra Singh S/o Late Fekan Singh
- 2. Baban Kumar @ Baban Singh S/o Rajendra Singh
- 3. Ratan Singh @ Madhu Singh S/o Rajendra Singh All resident of Village- Jamalabad, P.S.- Ahiyapur, Distt- Muzaffarpur.

.... .. Petitioner/s

Versus

- 1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Smt. Veena Rani Prasad, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-11-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners are languishing in custody in a case registered for the offences punishable under Sections 341, 447, 323, 354, 307, 302, 504/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while his uncle was sitting at Darwaza, all the accused persons came there and started abusing which was protested by the uncle whereupon co-accused Arun Singh, who was armed with a iron rod, inflicted the uncle of the informant on head which caused his death.

Learned counsel for the petitioners submits that no



overt act has been alleged against them and the allegation of inflicting iron blow only upon one co-accused Arun Singh. He further submits that no injury has been caused on the deceased, by these petitioners and petitioner Nos. 1 and 2 are languishing in judicial custody since 25.07.2016 and petitioner No. 3 since 25.06.2016. He further submits that on similar allegation, the other co-accused have since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 45833 of 2016 dated 21.10.2016 and Cr. Misc. No. 39337 of 2016 dated 18.11.2016. Learned counsel for the petitioners further submit that the petitioners have no criminal antecedent.

Learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since other co-accused on similar allegations have already been granted the privilege of bail, let the above named petitioners, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 229 of 2016 subject to the conditions that one of the bailors must be the close relative of the petitioners and the petitioners will give an undertaking that they will receive the police papers on

the given date and be present on date fixed for charges and if they fail to do so on two given dates and cause delay in trial in any manner, their bail will be liable to be cancelled for reasons of misuse and that the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

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(Nilu Agrawal, J)

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