

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50904 of 2016

Arising Out of PS.Case No. -166 Year- 2016 Thana -KAJI MUHAMMADPUR District- MUZAFFARPUR

1. Binod Kumar @ Binod Ram
2. Pramod Kumar Both sons of Late Ram Bilas Ram, Resident of Village- Maripur, P.S. Kazi Mohammadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate

For the Opposite Party/s : Mr. Rajkishore Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are languishing in jail since 19.08.2016 in a case registered for offences punishable under Sections 147, 148, 149, 323, 427, 504, 506, 307 of the Indian Penal Code and later on section 302 of the Indian Penal Code has been added.

The prosecution case as lodged by the informant is that due to land dispute, the petitioner and other co-accused, named in the F.I.R., armed with iron rod, pipe, cricket bat came and on the order of co-accused Pappu, co-accused Mukesh Kumar @ Saroj and Manoj started assaulting Md. Saleem @ Fuddu with iron rod and pipe indiscriminately and the petitioner Pramod

Kumar and others started assaulting the informant with cricket bat and the informant fled away and saw Fuddu senseless and all were assaulting with lathi and rod and further they were damaging the boundary, gate, chauki and chair etc.

It has been submitted by the learned counsel for the petitioners that they are innocent and allegations upon them are false. He further submits that there is no specific allegation against them and allegation of assaulting is against Mukesh Kumar and Manoj. He further submits that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution witnesses. It is further submitted that one of the co-accused on similar allegation has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 38131 of 2016 dated 26.09.2016.

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

Considering that the similar co-accused has been granted the privilege of bail, let the petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection

with Mohammadpur P.S.Case No. 166 of 2016 with a condition that one of the bailors must be a close relative of the petitioners and the another having sufficient immovable property within the territorial jurisdiction of the police station concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without assigning any reason will entail cancellation of their bail bonds..

(Nilu Agrawal, J)

Sudha/-

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