

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55037 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -PAROO District- MUZAFFARPUR

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1. Akhilesh Kumar, Son of Shambhu Rai.
2. Shambhu Rai, Son of late Ram Ekbal Rai, Both Resident of Village-
Gyaspur, P.S.- Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-02-2017 Heard the parties.

This application has been filed in connection with Paroo P.S.Case No.47 of 2016 for the offence under Sections 147, 148, 149, 341, 323, 324, 326, 447, 307, 302, 504 and 506 of the Indian Penal Code.

It is submitted on behalf of the petitioners that that so far these petitioners are concerned, there is omnibus allegation against these petitioners and other co-accused persons have also assaulted. The main allegation is against Raju Rai and Ravi Ranjan Rai as they have assaulted by 'rod' to the deceased. It is further submitted that the son of the deceased has also been examined in Para 15 of the case diary, he has also not stated about any specific allegation against these petitioners and one independent witness was examined in Para 38, who has also not named these petitioners. The petitioners are in custody for about six months.



Heard learned A.P.P. also, who opposes the prayer for bail.

Having heard both sides. In view of the fact that there is no specific allegation against these petitioners of assault to the deceased rather there is omnibus allegation against them and they are in custody for about six months and the main allegation is against Raju Rai and Ravi Ranjan Rai, as such let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Sri A.K.Singh, Judicial Magistrate, Ist class, (West), Muzaffarpur in connection with Paroo P.S.Case No.47 of 2016.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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