

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47410 of 2017

Arising Out of PS.Case No. -99 Year- 2017 Thana -MUSAHRI District- MUZAFFARPUR

- =====
1. Mahesh Chaudhary, Son of Rambilash Chaudhary, R/o Srirampur, P.S.- Pusha, District- Samastipur.
 2. Santosh Thakur @ Santosh Kumar, Son of Satrugan Thakur, R/o Village- Dumari, P.S.- Mushahari, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuvan Narayan

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 21-12-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

Petitioner no. 1 is languishing in judicial custody since 20.07.2017 and petitioner no. 2 is languishing in judicial custody since 22.07.2017 in connection with Mushahri P.S. Case No. 99 of 2017, G.R. No. 2525 of 2017 for offences punishable under Sections 147, 149, 323, 324, 307, 504 and 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his father was ploughing his field in the morning, the petitioners along with eight other variously armed with Farsa and



weapons came. Allegation upon the petitioner no. 1 is of inflicting Farsa blow on the father of the informant and petitioner no. 2 is to be an order giver.

It has been submitted by the learned counsel for the petitioners that they are innocent and the present case is a counter blast to the earlier case filed by the petitioners' side being Mushahari P.S. Case No. 93 of 2017 for an occurrence of the same day. He submits that supplementary injury report which has been filed by the petitioners today and treated as part of the record shows the injury to be simple in nature. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant does not controvert the injury report but opposes the prayer for bail stating therein that the injury caused on the informant's father was on the vital part of the body.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate-cum-Sub-Judge-3rd,
Muzaffarpur in connection with Mushahari P.S. Case No. 99 of
2017, G.R. No. 2525 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the
petitioners having sufficient immovable property, who will
file an affidavit stating his relationship with the petitioners.
- (2) Petitioners will appear before the learned court below
during trial as and when required and failure to appear on
two consecutive dates without assigning any reason will
entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Devendra/-

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