

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14780 of 2018

Arising Out of PS.Case No. -84 Year- 2017 Thana -BUXAR MUFFSIL District- BUXAR

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1. Suresh Bind @ Suresh Singh S/o Late Kedar Bind
2. Homenath Bind, Son of Late Kedar Bind
Both Resident of Village- Jarigawan, P.S. Buxar(Mufassil), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai

For the Opposite Party/s : Mr. Satyaverat Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-04-2018 Heard learned counsel for the petitioners and learned
APP for the State.

This is the second round of litigation. Earlier the prayer
of the petitioner for grant of bail was rejected vide order dated
11.08.2017, passed in Cr. Misc. No. 30865 of 2017.

Petitioners are languishing in judicial custody since
30.05.2017 in connection with Sessions Trial No. 14 of 2018,
arising out of Buxar (M) P.S. Case No. 84 of 2017 for offences
punishable under Section 302 and other allied Sections of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while there was some altercation between his brother Avnish
and one Guddu Bind on account of damage of motorcycle, his



father Shobhnath Bind came for settling the dispute but the petitioners along with nine other accused persons assaulted his father by means of lathi and danda resulting in his death.

It has been submitted by the learned counsel for the petitioners that they are innocent, allegations are general and omnibus, they have voluntarily surrendered and are languishing in custody since then. He submits that they bear no criminal history and the incident was an occurrence, which occurred on the spur of moment and it is not certain as to whose injury resulted in death of the informant's father. He further submits that charges have been framed and petitioners undertake to cooperate with the trial and not to tamper with the evidence or prosecution witnesses.

However, learned APP for the State 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 F.T.C. 1st, Buxar, in connection with Sessions Trial No. 14 of 2018, arising out of Buxar (M) P.S. Case No. 84 of 2017, subject to the following conditions :

- (i) 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.

- (ii) 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)

Rajesh/-

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