

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2783 of 2018

Arising Out of PS.Case No. -43 Year- 2017 Thana -BARIYARPUR District- MUNGER

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1. Ajeet Kumar son of Mahesh Mandal.
 2. Ganesh Kumar, son of Bhumi Mandal.
 3. Mannu Kumar, son of Bhumi Mandal all are residents of village-
Kathara, P.S. Bariyarpur, District-Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Adv.

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-01-2018 Heard learned counsel for the petitioners and learned
APP for the State.

This is the second round of litigation. Earlier prayer for
bail of the petitioners was rejected by this Court vide order dated
02.11.2017 passed in Cr. Misc. No. 40288 of 2017.

Petitioners are languishing in judicial custody since
31.05.2017 in connection with Bariyarpur P.S. Case No. 43 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 her son had gone to the field to play cricket but was sent back
home by petitioner no. 1. Thereafter the petitioners along with
four others came and started assaulting the informant, her husband



and her son and the husband of the informant succumbed to the injury. Specific allegation is upon co-accused Dilip Kumar to have caused injury on the head of the husband of the informant.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent and that there is general and omnibus allegation upon them. He submits that the main assailant is co-accused Dilip Kumar and that charges have been framed and the petitioners undertake to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the deceased had three injuries on his head as per postmortem report.

Considering the facts and circumstances and the materials on record as well as the undertaking of the petitioners, 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 Chief Judicial Magistrate, Munger in connection with Bariyarpur P.S. Case No. 43 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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