

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22213 of 2018

Arising Out of PS.Case No. -12 Year- 2017 Thana -SAHAR District- BHOJPUR

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1. Rakesh Kumar @ Rakesh Kumar Sharma @ Rakesh Singh @ Rakesh Sharma
2. Mukesh Kumar @ Mukesh Kumar Sharma @ Mukesh Singh,
Both sons of Anil Singh, Resident of Village - Ekawari, P.S. - Sahar,
District - Bhojpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ravindra Kumar, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 27-04-2018 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioner nos. 1 and 2 are in custody since 25.04.2017 and 21.04.2017, respectively in connection with Sahar P.S. Case No. 12 of 2017 for the offences alleged under Sections 147, 148, 149, 323, 307, 353, 333, 393 and 440 of the Indian Penal Code.

3. It is submitted that the petitioners have been falsely implicated and there is delay in sending the first information report instituted on 29.01.2017 to the court on 02.02.2017 which casts doubt upon the veracity of the accusation. The allegation of pelting stones in any event is general and omnibus against the FIR named accused persons. Similarly situated co-accused Budha Kumar Singh @ Budha Singh has been granted bail by this Court in Cr. Misc. No. 26105 of 2017 vide order dated 13.07.2007 (Annexure-4).

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/-



(ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Bhojpur at Ara in connection with Sahar P.S. Case No. 12 of 2017, on the following conditions:-

(i) That one of the bailors of each of the petitioners shall be their close relative.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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