

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38797 of 2018

Arising Out of PS.Case No. -7 Year- 2018 Thana -BAGAINGOLA District- BUXAR

- =====
1. Rajendra Mushar @ Rajindra Musahar son of Rambadan Mushar
 2. Ravindra Mushar son of Rajendra Mushar Both resident of Village-
Ekrasi, Kadwa, P.S.- Bagen Gola, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

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.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
18.03.2018 in connection with Bagen Gola P.S. Case No. 07 of
2018 for offences punishable under Sections 147, 148, 149, 307
and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he was assaulted by the petitioners and others. Thereafter
co-accused Sanju Musahar brought a knife and stabbed his
brother who during course of treatment succumbed to the



injury.

It has been submitted by the learned counsel for the petitioners that they are innocent, specific allegation is upon co-accused Sanju Musahar and that two of the similarly situated accused persons have already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 37459 of 2018 vide order dated 04.07.2018. He submits that investigation in the aforesaid case is already complete and that the petitioners bear no criminal history.

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 Additional Chief Judicial Magistrate-1st, Buxar in connection with Bagen Gola P.S. Case No. 07 of 2018, 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) If the petitioners indulge in an offence of similar nature in



future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

Devendra/-

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