

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38128 of 2018

Arising Out of PS. Case No.-282 Year-2017 Thana- PHULPARAS District- Madhubani

1. Kusheshwar Mandal,
2. Budheshwar Mandal, Both sons of Late Ram Khelawan Mandal,
Resident of at Village- Garwa, P.S.- Phulparas, District-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan
For the Opposite Party/s : Mr. Sri Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

7 19-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners, who are in custody, seek bail in connection with Phulparas P.S. Case No. 282 of 2017 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 302 and 120B of the Indian Penal Code.

FIR was lodged against 11 named accused persons including petitioners and five unknown persons. Allegation against petitioners is of assaulting the brother of informant by means of lathi, danda, racket, rod and stick, as a result of which, brother of the informant died during course of treatment.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. There is general and omnibus allegations are levelled against 11



named and five unknown persons. No specific allegation of overt act against these petitioners. Petitioners have no criminal antecedent and they are in custody since 05.12.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case No. 282 of 2017 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bond.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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