

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7055 of 2019

Arising Out of PS. Case No.-158 Year-2017 Thana- AMNAUR District- Saran

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1. Mahesh Singh @ Mahesh Kumar Singh, aged about 52 years, mail
 2. Munna Singh @ Subodh Singh @ Subodh Kumar Singh, aged about 48 years, mail
Both Sons of late Ganga Singh, Resident of Village Gort Amnour, P.S. Amnour, District, Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 13-03-2019 Heard learned counsel for the parties.

Petitioners seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 379 of the Indian Penal Code.

Allegation against the petitioners is to have assaulted the father of the informant with fists, sword and farsa due to which, he became seriously injured and later on died. Cause of death is head and abdominal injury. Other family members were also injured but nature of injury is simple in nature.

Petitioner had earlier moved for grant of bail but same was rejected by order dated 11.04.2018 with a direction to renew prayer for bail after 1 year of custody and present petition



has been filed after remaining in custody for 1 year.

Report was called for from the court below with respect to stage of Trial and it has been informed by the Trial court that case was fixed for framing of charge but petitioner was not produced from jail even after repeated direction and lastly show cause was issued to Jail Superintendent. On 1.12.2018, a petition has been filed on behalf of accused under Section 228 of Cr.P.C. for discharge which is being heard.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case. Petitioners have no criminal antecedent and they are in custody since 06.12.2017.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioners on bail at this stage. Hence, the prayer for bail of the petitioners is hereby rejected.

However, it is observed that the petitioners named above be released on bail **after framing of charges against them upon** furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Amnour P.S. Case No. 158 of 2017, with following conditions:-



(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 shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(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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