

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4385 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Naren Das @ Niren Das S/o- Dahaur Das Resident of Village Machhaha, P.S. Muffasil Motihari, District- East Champaran.
 2. Ranjeet Prasad S/o- Mahesh Prasad Resident of Village Machhaha, P.S. Muffasil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 31-01-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Muffasil P.S. Case No. 238 of 2018** registered for the offence punishable under Sections 147, 148, 149, 120B and 302 of the Indian Penal Code.

Allegation against the petitioners and other co-accused persons is of assaulting the son of the informant causing his death.

It has been submitted on behalf of the petitioners that the allegation against all the FIR named accused including petitioners are general and omnibus. Informant is not an eyewitness but reached the place of occurrence after the incident. It has been submitted on behalf of the petitioners that



they are innocent and have been falsely implicated in this case due to village politics. There is nothing specific against the petitioners. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court as contained in Annexure-3. Petitioners have got no criminal antecedent. Petitioner No.1 is in custody since 05.09.2018 and petitioner No.2 is in custody since 22.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Motihari**, in connection with **Muffasil P.S. Case No. 238 of 2018**, 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 bond 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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