

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.671 of 2019

Arising Out of PS. Case No.-281 Year-2018 Thana- BAKHTIYARPUR District- Patna

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1. Shambhu Singh son of Radhe Rai.
 2. Rudal Singh son of Late Chandar Singh.
- Both resident of Village- Tekabigha, P.S. Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma
For the Opposite Party/s : Mr.Sri Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 29-03-2019 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the Informant.

Petitioners, who are in custody, seek bail in connection with Bakhtiyarpur P.S. Case No. 281 of 2018 registered for the offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code.

Informant has alleged that while his elder brother went outside the house to go to Patna to attend his work and he followed him and as he came on the street, FIR named accused variously armed with lathi, danda and farsa surrounded his brother and started assaulting him. There is specific allegation against co-accused Dinesh Singh of assaulting on the head and ear of his brother twice. Regarding remaining accused, there is



allegations are general and omnibus in nature. There is no specific overt act alleged against the petitioner. His brother was carried to Hospital, however he died on the way. The reasons for incident is previous enmity, although in the main Cr. Misc. petition it has been stated that petitioners are having no criminal antecedent but by way of supplementary affidavit it has been brought on record that petitioner No. 2 is having one criminal antecedent under Section 307 of IPC. Petitioners are in custody since 09.08.2018.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioners.

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 Additional Chief Judicial Magistrate-I, Barh (Patna), in connection with Bakhtiyarpur P.S. Case No. 281 of 2018 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 their absence on two consecutive dates without proper and sufficient



reason the trial court will be at liberty to cancel their bail bonds.

(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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