

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2117 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- BEGUSARAI MUFFASIL District-Begusarai

-
1. Suman Kumar, son of Shivjeet Chaudhary @ Sheo Ram Chaudhary R/o Villge- Taraiya, P.S.- Mufassil, District-Begusarai.
 2. Ankit Kumar, son of Shivjeet Chaudhary @ Sheo Ram Chaudhary R/o Village- Taraiya, P.S. Mufassil, District-Begusarai
 3. Dilkhush Kumar, son of Shivjeet Chaudhary @ Sheo Ram Chaudhary R/o Village- Taraiya, P.S. Mufassil, District-Begusarai ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 16-01-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 22.11.2018 in connection with Mufassil P.S. Case No. 91 of 2018 for the offences alleged under Sections 342, 323, 325, 307, 504, 506 and 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his father and brother-in-law were on the way from the house, the petitioners, along with two others, variously armed with lathi, bamboo, iron rod, farsa and other weapons, started abusing his father and on the orders of co-accused, Shiv Ram Choudhary, the co-accused, Rupesh Kumar gave him iron rod blow at the back of the head thereafter when his father started running towards the house, the petitioners, along with



other co-accused, had also assaulted him, as a result he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case on false allegations. He, further, submits that one of the co-accused, who was an order giver, has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 38827 of 2018 on 24.08.2018 and the petitioners are languishing in judicial custody since nearly two months. He, further, undertakes not to induce the witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail, **on completing four months in custody**, on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Mufassil P.S. Case No. 91 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, subject to the following conditions :



(i) One of the bailors of each of the petitioners would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship with the petitioner(s).

(ii) Petitioners will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

U			
---	--	--	--

