

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12194 of 2019

Arising Out of PS. Case No.-646 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

1. RAHUL KUMAR, aged about 24 years (Male)
2. Ganesh Kumar, aged about 22 years (Male),
Both Sons of Sri Niranjana Singh, Resident of Village- Pokharia, Ward
No.39, P.S.- Begusarai Town, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 01-03-2019 Heard learned counsel for petitioners, learned
counsel for the informant and learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Begusarai Town P.S. Case No. 646 of 2018 registered for the offences punishable under Sections 341, 342, 323, 324, 504, 384/34 of the Indian Penal Code, Section 27 of the Arms Act, Section 363, 326, 307, 292, 293, 294, 506, 509, 120(B) and 377 read with Section 109 of the Indian Penal code and Section 66(E) and 27(B) of the the Information Technology Act.

Informant has alleged that on 24.10.2018 at 09:30



P.M. while he was going to attend his classes and reached Kali Asthan, Bipin Singh Dwar with two unknown boys arrived there on a motorcycle and on the point of pistol, brought him in a room near the Clinic of Dr. Savan Kumar where two boys were present from before. The informant was brutally assaulted there. Thereafter they brought him behind jail where Aman Kumar and Ram Kumar were present, all of them brutally assaulted the informant and others. All of them were made naked and on the point of pistol were compelled to committe unnatural offence with each other and video was prepared on mobile, thereafter they brought them in a room and forced to drink wine and smoke cigarette. They brought them to forest and fired on their toes.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence. They have been falsely implicated in this case. Petitioners are not named in the F.I.R. Similarly placed co-accused has been granted bail by co-ordinate bench of this court vide order dated 22.02.2019 passed in Cr. Misc. No. 10741 of 2019. Petitioners are in custody since 26.10.2018.

Bail petition has been opposed by the counsel for the informant and State.



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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Begusari Town P.S. Case No. 646 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner 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 Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers 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 petitioner.

(S. Kumar, J)

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