

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10886 of 2019**

Arising Out of PS. Case No.-190 Year-2018 Thana- MADANPUR District- Aurangabad

1. RAM SUNDAR DAS AND ANR Son of Motilal Das Resident of Village - Baniya, P.S-Madanpur, Dist.-Aurangabad
2. Dawarika Das Son of Late Shayam Lal Das Resident of Village - Baniya, P.S-Madanpur, Dist.-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Madanpur P.S. Case No. 190 of 2018 S.Tr. No. 3/19 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Informant has alleged that on 14.05.2018 at 11.15 PM her father received a call on his mobile and went outside the house after saying that he will come back by mid night but he did not return back and on search being made by her, she saw that FIR named accused were assaulting her father by means of lathi and axe. Co-accused Gobardhan Das assaulted her father



by axe on his head and he fell down. She also stated that cause of occurrence is that her father was having illicit relation with Lalita Devi and the elder brother in law of Lalita Devi had threatened his father to kill him due to illicit relation. Her father died during treatment.

It has been submitted on behalf of the petitioners that petitioners are innocent and have been falsely implicated in this case. It has been further submitted that due to previous enmity with the informant's family members and witnesses of FIR, this false case has been lodged. There is no specific allegation against petitioners rather there is specific allegation of assault against Gobardhan Das. Petitioners have no criminal antecedent and they are in custody since 16.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge-III, Civil Court, Aurangabad, in connection with Madanpur P.S. Case No. 190 of 2018 S.Tr. No. 3/19 subject to the conditions that:-

(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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