

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21221 of 2019

Arising Out of PS. Case No.-252 Year-2018 Thana- GAURICHAK District- Patna

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DHUYAN KUMAR Son of Devanand Ray, Resident of Village - Usfa
Jamanapur, P.s.- Gaurichak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 04-04-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Gaurichak P.S. Case No. 252/18** registered for the offence punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code.

Informant has alleged that his elder brother had gone in market to purchase some articles for performance of Puja and he was informed that some persons are assaulting him and he went there with his another brother and found that ten F.I.R. named accused are assaulting his brother by means of lathi, danda, farsa and bricks. Anyhow, he brought his brother and admitted him in N.M.C.H. hospital, however, he succumbed to his injuries.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case and



his name has surfaced in this case on the basis of restatement of the informant in which it has been stated that the petitioner was also one of the persons who was present at the place of occurrence. Charge-sheet has been submitted against the petitioner. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 09.01.2019 in Criminal Miscellaneous No. 78620 of 2018, 25.02.2019 in Criminal Miscellaneous No. 79953 of 2018, 25.02.2019 and in Criminal Miscellaneous No. 6759 of 2019. Petitioner has got no criminal antecedent and is in custody since 10.01.2019.

Learned counsel for the Informant vehemently opposes the prayer for bail and submits that prosecution version fully supports the case of Informant.

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 **Addl. Sessions Judge, IVth Patna City, Patna**, in connection with **Gaurichak P.S. Case No. 252/18**, with following 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 the Court and his/her absence on two consecutive dates without sufficient reason, his/her 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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