

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53688 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- KALYANPUR District- Samastipur

1. Lal Babu Rai @ Lalan Rai @ Lalan Yadav Son of Ram Vilash Rai Resident of Village- Chhakan Toli, P.S.- Kalyanpur, District- Samastipur.
2. Raj Kumar Rai Son of Late Parikshan Rai Resident of Village- Chhakan Toli, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	Mr.Rana Sanjay Kumar Singh, Advocate
For the State	:	Mr.Dr. Kr Uday Pratap, Addl Public Prosecutor
For the informant	:	Mr. Baleshwar Kamat, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-11-2019 Heard learned counsel for the parties and perused the case diary.

Petitioners are accused in a case registered for the offence punishable under sections 307/302 and other allied sections of the Indian Penal Code on the allegation that they and other accused persons assaulted the brother of the informant by lathi, danda rod, etc who died in course of treatment.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. He submits that offence under section 307 as well as section 302 of Indian Penal Code is not made out against them as there is no any specific allegation of assault against them. Petitioners have been made accused due to village politics and as the deceased was of criminal background, he might have been done to death by rival groups. Petitioners are in custody since 20.5.2019. Charge sheet has also been filed in the case, as such, there is no chance of tempering with the evidence.

Learned counsel for the informant opposes the prayer for



bail.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let both the petitioners, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Samastipur in Kalyanpur Police Station Case No. 113 of 2019, on the following conditions:-

(1) Petitioners 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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