

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 63567 of 2019

Arising Out of PS. Case No.-218 Year-2014 Thana- GHORASAHAN District- East
Champaran

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1. Santosh Rai aged about 30 years (M) S/o Sri Ramchandra Rai @ Ram Chandra Ray
2. Sunil Rai, aged about 32 years (M) S/o Sri Ramchandra Rai
Both R/o village- Kadamawa, P.S.- Ghorasahan, District- East Champaran
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 20-11-2019 Heard learned counsel for the parties and perused the case diary.

Two petitioners seek bail in Ghorasahan (Lakhaura) P.S. Case No. 218 of 2014 registered for the offence under Sections 302/34 of the Indian Penal Code.

The prosecution case is that on the date and time of the incident, informant's father namely Yamuna Rai had gone to ease himself and while he was returning, he went to hand-pump of accused Lal Babu Rai to wash his hand, in the meantime, the accused persons namely Lal Babu Rai, Pramod Rai and Ratnesh Rai abused and assaulted informant's father as a result he died.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case.



There is no whisper against them in the F.I.R. Their names have surfaced only on suspicion during course of investigation due to land dispute. He submits that in the case, chargesheet has also been submitted and as such, there is no chance of tampering with the evidence. The petitioner no. 1 is in custody since 10.07.2019, whereas, petitioner no. 2 is languishing in jail since 20.07.2019.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioners be enlarged 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 learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan (Lakhaura) P.S. Case No. 218 of 2014 on the following conditions:

(1) Petitioners shall cooperate 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 tamper 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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