

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75861 of 2018

Arising Out of PS. Case No.-307 Year-2018 Thana- PATLIPUTRA District- Patna

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1. Bittu Kumar @ Bittu.
 2. Sonu Kumar @ Sonu Both Sons of Karu Ram Resident at Indrapuri, Road No.73, P.S. Patliputra, Distt.-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Sri Akbar Ali

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-01-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

Petitioners seek bail in connection with Patliputra P.S. Case No. 307 of 2018 for offences punishable under Sections 147, 148, 149, 448, 504, 307, 354(B), 506 and 323 of the Indian Penal Code. Later on Sections 8/12 of POSCO Act has been added.

The prosecution case as lodged by the informant is that the petitioners are always misbehaving with elder daughter Neha Kumari aged 17 years, although they are cousin brothers of the informant and live nearby. It is submitted that on the date of occurrence, the petitioners along with 4-5 persons came armed with iron rod and other co-accused had fire-arms in



their possession. The petitioners assaulted the husband, mother and daughter of the informant by means of iron rod on the head and also abused them.

It has been submitted by the learned counsel for the petitioner that they are innocent, bear no criminal history, being the next door cousin and there was altercation between both the parties for which the petitioners' side had also lodged Patliputra P.S. Case No. 314 of 2018 against the informant's side. He submits that no overt act has been alleged and the injury on the informant's side has been found to be simple in nature. He submits that charge-sheet has already been submitted and the petitioner no. 1 is languishing in judicial custody since 25.07.2018 and the petitioner no. 2 is languishing in judicial custody since 06.08.2018.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record as well as the period of custody, let the petitioners above named 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 the learned Additional Chief Judicial Magistrate-XII, Patna in connection with



Patliputra P.S. case No. 307 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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