

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82673 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- BALIYA District- Begusarai

1. Manish Kumar Son of Raj Kumar Rai Resident of Village- Mathurapur, Ward No.1, P.S.- Balia, District- Begusarai.
2. Brajesh Kumar @ Kallua S/o Raj Kumar Rai Resident of Village- Mathurapur, Ward No.1, P.S.- Balia, District- Begusarai.
3. Rupesh Kumar Son of Raj Kumar Rai Resident of Village- Mathurapur, Ward No.1, P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Bhushan, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in **Balia P.S. Case No. 193 of 2019 G.R. No. 1832/2019**, registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

Informant alleged that on 21.05.2019 at about 7.30 p.m. while she was talking with her husband at her Darwaja, all the accused persons including these petitioners came there and started abusing them. On protest, all the accused persons started assaulting her husband and co-accused Raj Kumar Rai assaulted



her husband on his head by means of iron rod, as a result of which he sustained head injury and blood started oozing out. Later on, her husband succumbed to the injuries.

It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in this case. Occurrence is said to have taken place on 21.05.2019 whereas, F.I.R. was lodged on 27.05.2019. There is delay of five days and no explanation has been given by the prosecution side. There is general and omnibus allegation against the petitioners. One of the co-accused Ram Sakhi Devi has been granted bail by the court below itself. Petitioners have got clean antecedent.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to 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 **Chief Judicial Magistrate, Begusarai** in connection with **Balia P.S. Case No. 193 of 2019 G.R. No. 1832/2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-



(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper 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 petitioners.

(Prabhat Kumar Singh, J)

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