

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2567 of 2020

Arising Out of PS. Case No.-259 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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1. SUSHILA DEVI W/o Raj Kumar @ Raju R/o village- Miskaut, P.S.-
Town, District- East Champaran
 2. Ramji Kumar S/o Raj Kumar @ Raju R/o village- Miskaut, P.S.-
Town, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-03-2020 Heard learned counsel for the petitioners,

learned counsel for the informant and learned Additional

Public Prosecutor for the State.

The petitioners in the present case are seeking

regular bail in connection with Motihari Town P.S. Case

No. 259 of 2019 registered under Sections 147, 148, 149,

323, 324, 326, 307, 302 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that

in the First Information Report altogether seven persons

have been named along with 3-4 unknown persons and it

is alleged that all of them were armed with knife/dagger

and iron rod. It is alleged that on seeing the prosecution



party the co-accused Raj Kumar @ Raju ordered to kill whereupon Ramji Kumar, Sagar Kumar, Raj Kumar @ Raju and Sushila Devi all assaulted the informant by dagger because of which the informant suffered head injury. Learned counsel submits that no head injury has been found on the body of the informant. This has not been controverted by learned counsel for the informant and learned A.P.P. for the State.

It is further submitted that in the later part of the F.I.R. the allegations are that when the brother of the informant and other family members came, all the accused persons assaulted them with knife and iron rod and because of the knife injury the brother of the informant died. At this Stage, learned counsel submits that there are general and omnibus allegations against all the seven known and 3-4 unknown accused persons and there is no specific allegation that these petitioners had caused the injuries. It is further submitted that the manner of the alleged occurrence is not supported from the injury report as it will appear that no iron rod injury has been found on



the body of the deceased, brother of the informant. It is, thus, submitted that there are general and omnibus allegations and these petitioners have been falsely implicated by bringing their name in the F.I.R.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners. It is submitted that these petitioners were also among the accused persons who had committed the assault, and, therefore they do not deserve privilege of regular bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that so far as allegation of giving knife injuries on the head of the informant is concerned, the same is not supported by the injury report and further submission that there are general and omnibus allegations against all the seven named and 3-4 unknown accused persons who had allegedly assaulted the brother of the informant by knife and iron rod but the injuries present on the body of the deceased are only two injuries, as also that



the investigation against the petitioners are complete and it is not the submission of the prosecution that their release on bail at this stage is likely to interfere in course of trial and/or that the petitioners may indulge in tampering with the evidences, in the nature of materials, let the above-named petitioners be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Motihari Town P.S. Case No. 259 of 2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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