

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11038 of 2020

Arising Out of PS. Case No.-52 Year-2018 Thana- MALI District- Aurangabad

1. JITENDRA SINGH @ JITENDRA KUMAR SINGH S/o Ramdeo Narayan Singh Resident of Village- Bagahi, P.S.- Mali, Distt- Aurangabad
2. Rabindra Singh @ Rabindra Kumar Singh @ Ravindra Kumar Singh S/o Late Dalan Dev Narayan Singh @ Sri Dalandeo Narayan Singh @ Dalandeo Singh @ Dallu Singh R/o Village- Bagahi, P.S.- Mali, Distt- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siya Ram Shahi, Mr. Akhilesh Kumar
For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case instituted for the offences under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code in which section 302 IPC was added later on.

The earlier bail application of the petitioners was rejected vide Annexure-1 to the present application with an observation 'at this stage'.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 21.12.2018 and petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. Charge-sheet has been submitted in the present case. Petitioner no. 1 is said to have given



garasa blow and single *khanti* blow is given by petitioner no. 2. There is no allegation of repetition. The alleged occurrence is said to have taken place in a spur of moment. At best, it is a case for an offence under Section 304 IPC. As per injury, the nature of injury is said to be simple. Death is said to have taken place after 10 days of the occurrence. Single head injury is said to have been found on the deceased. It cannot be ascertained as to who gave the fatal blow on the head of the deceased. There is a case and counter case between the parties. The petitioners have remained in custody for more than one year. There is no chance of trial being concluded in near future.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Aurangabad in connection with Mali P.S. Case No. 52 of 2018.

(Sudhir Singh, J)

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