

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19680 of 2020

Arising Out of PS. Case No.-348 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

1. MOHAN RAI @ MAHNAY RAI Son of Nakul Rai Resident of Village - Manmodhachak, P.S.- Jagdishpur, Distt.- Bhagalpur.
2. Pappu Rai Son of Babulal Rai Resident of Village - Manmodhachak, P.S.- Jagdishpur, Distt.- Bhagalpur.
3. Kartik Rai Son of Dilip Rai Resident of Village - Manmodhachak, P.S.- Jagdishpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-06-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P for the State.

The petitioners seek bail in **Jagdishpur P.S. Case No. 348 of 2019**, registered for the offence punishable under Sections 302, 34 of the Indian Penal Code.

As per prosecution case, on 19.10.2019 at 5.00 p.m., while the informant along with her son was returning to her home from Bhagalpur, on the way near a *pulia*, the petitioners



along with some unknown miscreants started assaulting the son of informant with brick, stone and *danda* and thereafter, they started dragging her son towards a river. The informant came running to her village and informed about the incident to the villagers. The informant and the villagers reached at the place of occurrence and they found the dead-body of informant's son by the side of that river.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. The entire allegation is false and concocted. The petitioners are not even present at the place of occurrence. Similarly situated co-accused Kundan Yadav has been granted bail by a coordinate Bench of this court vide order dated 28.05.2020 passed in Cr. Misc. No. 5747 of 2020. Petitioners are in custody since 21.10.2019 having clean antecedent.

Considering the facts and circumstances of the case, the petitioners above-named, 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, Bhagalpur** in connection with **Jagdishpur P.S. Case No. 348 of 2019**, subject to following 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 bonds 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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