

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21374 of 2020

Arising Out of PS. Case No.-85 Year-2019 Thana- NAYA RAM NAGAR District- Munger

Mukul Chourasia @ Mukul Kumar, aged about 30 years, Male, Son of Subodh Mandal @ Subodh Kumar Mandal Resident of English Patam, P.S.- Naya Ram Nagar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha, Adv.

For the Opposite Party/s : Mr. Satyadev Pd. Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-07-2020 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking bail in connection with Naya Ram Nagar P.S. Case No. 85 of 2019 registered for offences under sections 147, 148, 149, 307, 302 of the Indian Penal Code.

In the present case, an allegation has been made that the accused persons have assaulted the victim persons with iron rod and sword with an intention to kill them. They were brought to the Sadar Hospital, Munger but, in course of treatment, Vivek Kumar died.

The reason for assault has been assigned that the victim persons were in the habit of teasing with the girls of the



village in the drunken state and the deceased Vivek Kumar was a veteran criminal. The villagers in general raised the objection with regard to the activity, they became aggressive, surrounded the victims and, in the milieu, some persons assaulted them and, ultimately, one of them, namely, Vivek Kumar died.

Learned counsel for the petitioner submits that there is a case and counter case between both the parties for playing Holi. He further submits that there is no specific allegation of assault against the present petitioner and, as per observation given by this Court earlier in the order dated 20.11.2019 passed in Cr. Misc. No. 59286 of 2019, he was to renew his prayer for bail after one year of his judicial custody.

The petitioner is in judicial custody since 22.3.2019.

Looking to the entirety as also considering the entire facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Class, Munger in connection with Naya Ram Nagar P.S. Case No. 85 of 2019, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if



the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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