

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21319 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- DARIYAPUR District- Saran

1. RAJA BABU Son of Rajkumar Rai Resident of Village - Rampur Jaiti, P.S. and P.O.- Dariyapur, District - Saran.
2. Ravi Kumar Son of Daroga Rai Resident of Village - Rampur Jaiti, P.S. and P.O.- Dariyapur, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sayed Imran Ghani
For the Opposite Party/s	:	Mr.Ashok Kumar
For the informant	:	Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-09-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners, the learned counsel for the informant namely Sri Arun Kumar and Sri Ashok Kumar, the learned APP for the State.

The petitioners seek regular bail in connection with Dariyapur PS case no. 07 of 2020 instituted for the offences punishable under Sections 302/34 of Indian Penal Code.

The case of the prosecution in brief is that on 07.01.2020 at about 6.15 pm, when the informant was returning



to his house from the market along with his brother and had reached near the house of the co-accused Daroga Rai, the accused persons including the petitioners herein had arrived there, whereafter the accused persons had caught hold of his brother and some of the co-accused persons had attacked on his neck by a knife, whereafter the brother of the informant is stated to have fallen on the ground. It is alleged that subsequently, the said brother of the informant had died.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 27.01.2020. It is further submitted that as far as the petitioners are concerned, there is no allegation of any sort of overt act and infact, the informant has also not alleged that the petitioners herein had assaulted the deceased brother of the informant. The petitioners are stated to be the members of the mob and have been roped in the present case merely on suspicion.

Per contra, the learned counsel for the informant and the learned A.P.P. for the State have vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties,



considered their submissions and perused the materials on record as also gone through the case diary. It is apparent from the materials available in the case diary that minuscule evidence is available as against the accused persons and the petitioners have not been alleged to have committed any sort of overt act *qua* the deceased brother of the informant, hence, they can be given benefit of doubt, as far as their case for grant of bail is concerned. Moreover, the petitioners are having clean antecedent and are languishing in custody since a long time.

Considering the aforesaid facts and circumstances, I deem it fit and proper to direct for release of the petitioners on bail. Accordingly, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra at Saran in connection with Dariyapur PS case no. 07 of 2020.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

