

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24052 of 2020

Arising Out of PS. Case No.-141 Year-2019 Thana- BAUSI District- Araria

1. Baiju Singh Son of Late Jitu Singh Resident of Village - Chauhan Tola ward no.- 03 Baseti, P.S.- Bausi, District - Araria.
2. Dhiresh Singh @ Dhiresh Kumar @ Ajay Singh Son of Baiju Singh Resident of Village - Chauhan Tola ward no.- 03 Baseti, P.S.- Bausi, District - Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-11-2020 Heard the parties through video conferencing.

The petitioners seek bail in Bausi P.S. Case No. 141 of 2019, G.R.No. 3967 of 2019, registered for the offence punishable under Sections 341, 323, 324, 307, 302/34 of the Indian Penal Code.

As per prosecution case, on 04-11-2019 at about 10-11 AM, while son of the informant (deceased) was constructing an earthen dam to catch fish, in the meantime, it is alleged that all the six FIR named persons including these petitioners came armed with lathi, arrows, spears, sticks and iron rods and all of them assaulted informant's son, as a result of which, he received cut injury on his neck and in the hospital, he was declared dead.

It is submitted on behalf of petitioners that there is



general and omnibus allegation and no specific overt act has been alleged against these petitioners. Petitioners have been falsely implicated in this case due to land dispute and previous enmity. As per the *post-mortem* report, the deceased had received only one sharp cut injury on his neck, as a result of which, he died. In this case, chargesheet has already been submitted. The petitioners are in custody since 05-11-2019.

Learned counsel for the informant opposed the bail application and submitted that deceased has been brutally assaulted and due to sharp cut injury on his neck, he died. He further submitted that petitioner no. 1 has got criminal antecedent and he is accused in three more cases.

However, counsel for the petitioner submits that though, petitioner no. 1 is accused in three more cases, but he is on bail in all the three cases.

Considering the aforesaid facts and circumstances and the fact that deceased has received only one injury and in the FIR, all six named including these petitioners are alleged to have assaulted the deceased, bail application is allowed.

Let the above-named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate – 1st, Araria in
connection with Bausi P.S. Case No. 141 of 2019, G.R. No.
3967 of 2019, on the following conditions:

“(1) Petitioners shall cooperate 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
on their absence on two consecutive dates
without sufficient reason, their bail-bond shall
be cancelled by the Court below.

(2) If the petitioners tamper with the
evidence or the witnesses, in that case, the
prosecution will be at liberty to move for
cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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