

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23167 of 2020

Arising Out of PS. Case No.-509 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

1. Minni Devi Wife of Binod Nut Resident of Village-Lal Bazar, P.S.-Chapra Muffasil, District-Saran.
2. Ranjay Nut @ Ranjan Nut S/o Binod Nut Resident of Village-Lal Bazar, P.S.-Chapra Muffasil, District-Saran.
3. Sanjay Nut S/o Binod Nut Resident of Village-Lal Bazar, P.S.-Chapra Muffasil, District-Saran.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party : Anita Kumari, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-09-2020 Heard learned counsel for the parties.

Petitioners are accused in a case registered for the offences punishable under Sections 323/302 and other allied sections of the Indian Penal Code.

Prosecution's case, in brief, is that because of some land dispute, at 12.30 Noon, the accused persons including the petitioners, armed with *lathi*, *danda*, *tangi* etc. came to the house of the informant and started assaulting them with *lathi*, *danda*. Meanwhile, co-accused Binod Nat assaulted Munchun Devi with *tangi* causing injury on her head. She fell down on the earth and died in course of treatment in Sadar Hospital, Chapra.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in this case. The allegation is general and omnibus, whereas the specific allegation of causing fatal injury to the victim is against co-accused Binod Nut. There is a subsisting land dispute between the parties. Petitioners have got no criminal antecedent and they are in custody since 17.1.2020. Charge sheet has also been filed



in the case, as such, there is no chance of tampering with the evidence.

Considering the facts of the case, let all the petitioners, above named, be released 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 Judicial Magistrate 1st class, Saran at Chapra in Chapra Mufassil Police Station Case No. 509/2019 on the following conditions:-

(1) 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 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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