

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79526 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- BACHHWARA District- Begusarai

1. Rajiv Kumar Yadav @ Rajiv Roy, Male, aged about 26 years, Son of Ramnaresh Roy @ Naresh Pd. Yadav @ Ramnaresh Pd. Yadav, Resident of Village - Chamtha, Chakki, Ward No. 6, P.S.- Bachhwara, District- Begusarai.
2. Akhilesh Roy, Male, aged about 24 years, Son of Ramnaresh Roy @ Naresh Pd. Yadav @ Ramnaresh Pd. Yadav, Resident of Village - Chamtha, Chakki, Ward No. 6, P.S.- Bachhwara, District- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sandip Kumar Gautam, Advocate.
For the Opposite Party : Mr.Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 27-05-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ 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 a case registered for the offences under Sections 147, 148, 149, 323, 307, 302 of the IPC and 27 of the Arms Act.

The prosecution case, in short, is that these petitioners alongwith other accused persons brutally assaulted the husband



of the informant with Lathi, Danda etc., on account of which, he became unconscious and died.

Earlier bail application of the petitioners was rejected vide Cr. Misc. No. 31717 of 2019 under order dated 13.05.2019 by the then Co-ordinate Bench of this Court with an observation 'at this stage', annexed as Annexure-1 to the present application.

In pursuance to the aforesaid observation, the present application has been filed.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 13.02.2019 and 19.02.2019 respectively and have got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus allegation has been made against the petitioners. No specific overt act has been alleged against the petitioners. There is no chance of trial being concluded in near future.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, are directed to be released on bail on their personal bond to the



satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Bachhwara P.S. Case No. 91 of 2018.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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