

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11803 of 2021

Arising Out of PS. Case No.-171 Year-2020 Thana- RAJAOLI District- Nawada

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Bharat Rajbanshi Son Of Ramotar Rajbanshi Resident Of Village- Garhpar,
P.S- Rajauli, District- Nawada. Petitioner

Versus

The State Of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr.Arun Kumar, Advocate

For the Opposite Party : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case under section 302 and other ancillary sections of IPC.

As per the prosecution case, all the 8 named accused persons including the petitioner, surrounded the brother of the informant and his friend. Meanwhile, co-accused Laxman Rajbanshi assaulted with Tangi on the brother of the informant causing grievous injury on his head. Accused persons also assaulted him with lathi and danda and iron rod and as a result the brother of informant died during course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner and no specific overt has been alleged against him. Specific allegation of assault is against co-accused Laxman Rajbanshi who assaulted the deceased with tangi on his head. Petitioner has claimed clean antecedent and he is in custody since 31.5.2020.



Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties and the materials available on the record, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawadah in Rajauli Police Station Case No. 171 of 2020 on the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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