

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 16403 of 2021

Arising Out of PS. Case No.-369 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. SHANKAR BIND Son of Rupa Bind Resident of Village - Sikara, P.S.- Sonhan, District - Kaimur at Bhabua.
2. Rupa Bind Son of Late Padarath Bind Resident of Village - Sikara, P.S.- Sonhan, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr Dashrath Mehta, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 16-09-2021 This case has been taken up for consideration today through Video Conferencing.

Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioners seek bail in Bhabua (Sonhan) Police Station (for brevity, *PS*) Case No 369 of 2020 instituted for the offence punishable under Sections 341, 323, 324, 379, 354, 307/34 of Indian Penal Code.

Four accused persons, including these two petitioners, have allegedly demanded some money from the informant and, on refusal to pay the amount, he was indiscriminately assaulted.



Learned counsel for the petitioners submits that it is a case of false implication which is evident from the fact that First Information Report has been lodged one day after the alleged occurrence. The injured was treated and discharged on 23.06.2020 for an injury on his head. 21 days later from discharge, he died on 14.07.2020. Under such circumstances, petitioners No 1 and 2, who are 60 years old and 85 years old respectively, are in custody since 13.09.2020 and are having no criminal antecedents.

The learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua (Sonhan) PS Case No 369 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to



how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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