

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14902 of 2021**

Arising Out of PS. Case No.-186 Year-2020 Thana- SAKRA District- Muzaffarpur

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RUPESH KUMAR S/o Birendra Rai @ Virendra Ray R/o Village-
Raghunathpur Donma, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 14-09-2021 This case has been taken up for consideration today
through Video Conferencing.

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

The petitioner seeks bail in Sakra Police Station
(for brevity, *PS*) Case No 186 of 2020 instituted for the offence
punishable under Sections 147, 148, 149, 341, 323, 307, 302 of
Indian Penal Code.

In the First Information Report, it is stated by the
informant that he had questioned the instant petitioner when he
had injured Suresh Kumar in an accident with his motorcycle
and had escaped. Thereafter, it is stated that fifteen named



accused persons including the petitioner along with 10 unknown persons came and assaulted as a result of which Dharmendra Kumar died and others were also injured.

Learned counsel for the petitioner has submitted that general and omnibus allegations have been levelled against the petitioner which are false and concocted. The petitioner is in custody since 10.07.2020. Co-accused Devendra Ray and Raju Rai have already been granted bail by this Court in Cr Misc No 14092 of 2021 and Cr Misc No 32893 of 2020 respectively.

The learned APP has opposed the prayer for bail.

Considering the aforesaid submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IV, Muzaffarpur in connection with Sakra PS Case No 186 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner 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)

M.E.H./-

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