

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18863 of 2021

Arising Out of PS. Case No.-657 Year-2016 Thana- MOTIHARI TOWN District- East
Champaran

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1. Pappu Kumar @ Pappu Kumar Singh Son Of Shyam Babu Singh R/O Village- Harinagar Colony, P.S.- Ramnagar, District- West Champaran At Bettiah.
 2. Satya Prakash Pandey Son Of Barister Pandey R/O Village- Sugauli, P.S.- Shikarpur, District- West Champaran At Bettiah.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-08-2021 Heard learned counsel for the petitioners and the State.

Petitioners prays for grant of regular bail in Town Police Station Case No. 657 of 2016 from the Court of the Chief Judicial Magistrate, Motihari, East Champaran registered for the offence punishable under sections 342/34 of the Indian Penal Code.

As per the prosecution case, both the petitioners, who were accused in Raxaul Police Station Case No. 157 of 2006 were being taken to the court, meanwhile they along with other four persons assaulted the police party with their handcuff as a result of which one of the police personnel sustained injury on his mouth and his teeth was broken. Thereafter, the petitioners and their associates assaulted the police man with legs and



shoes.

Learned counsel appearing for the petitioners submits that in fact petitioners tried to meet their relatives but police man showed his highhandedness as a result of which little altercation took place and petitioners never tried to escape from the judicial custody. Petitioners are in custody since 22.12.2016.

Learned counsel appearing for the State opposes the prayer for bail and submits that there is specific allegation that the petitioners assaulted the police men while they were being taken to Court in connection with Raxaul Police Station Case No. 157 of 2006.

Considering the rival submissions of the parties, materials available on the record and the nature and gravity of offence, petition for bail of the petitioners is rejected.

However, once the charge is framed and trial commences, the petitioners shall be released on bail by the trial court to its own satisfaction on the condition that the petitioners will co-operate in disposal of the trial.

(Prabhat Kumar Singh, J)

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