

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18758 of 2021**

Arising Out of PS. Case No.-248 Year-2020 Thana- PATEPUR District- Vaishali

1. Deepak Kumar Aged About 27 Years S/O Dharam Nath Chaudhary R/O Village- Sukki, P.S.- Patepur, Distt.- Vaishali At Hajipur
2. Manoj Paswan Aged About 42 Years S/O Late Bal Deo Paswan R/O Village- Sukki (Tejpurva), P.S.- Patepur, Distt.- Vaishali At Hajipur

... .. Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-07-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under section 302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, while the informant was at her house, the FIR named accused persons including the petitioners came there and abused her. Thereafter, accused persons assaulted her with iron rod, farsa on her head and when her husband, her son and dewar Kedar Chaudhary tried to save her, accused persons also assaulted them. Injured Kedar Chaudhary died during course of treatment.



Learned counsel for the petitioners submits that the allegation of abusing the informant and hurling assault is general and omnibus against all the accused persons and no specific overt act is alleged against against these petitioners. There is counter version of the case and petitioner no.1 has also filed FIR against the husband and family members of the informant in which some of the family members of the petitioners have also sustained injuries. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 19.11.2020. Charge sheet has already been submitted.

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

Considering the rival submissions of the parties, materials available on the record and the fact that the allegation of abuse and assault is general and omnibus against the accused persons and not specific against the petitioners and petitioners are in custody since 19.11.2020, let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of A. C.J. M.-III Vaishali at Hajipur in Patepur Police Station Case No. 248 of 2020 on



the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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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