

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20384 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. Lal Babu Sah Son Of Late Suraj Sah Resident Of Village- Dhanhara, P.S.- Runnisaidpur, District- Sitamarhi
2. Raju Sah @ Raju Kumar Son Of Lal Babu Sah Resident Of Village- Dhanhara, P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-07-2021 Learned counsel for the petitioners is permitted to add the name of father of petitioner no.2 in the bail petition.

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, all the named accused persons including the petitioners assaulted the brother of the informant by means of iron rod, lathi as a result of which he sustained injury on his head and died on way to the PMCH.

Learned counsel for the petitioners submits that the



allegation of assault is general and omnibus and not specific against the petitioners. More so, instant case is the counter blast of Runnisaidpur Police Station Case No. 365 of 2020 filed by one Lal Babu Sah against the informant and others. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 6.8.2020. Investigation is complete.

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 assault is general and omnibus and not specific against the petitioners and they have got clean antecedent and investigation is complete, 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 Chief Judicial Magistrate, Sitamarhi in Runnisaidpur Police Station Case No. 364 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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