

Arising Out of PS. Case No.-406 Year-2020 Thana- BAJPATI District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha
For the Opposite Party/s : Mr. Amit Kumar Jha
Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, the petitioner along with other accused persons assaulted and stabbed two grand sons of the informant as a result of which both of them sustained injuries and Murari Kumar, one of the grand son of the informant, died during the course of treatment.

Learned counsel appearing for the petitioner submits that there is general and omnibus allegation of assault against five persons. No specific overt act is alleged against this petitioner. It is further submitted that during the course of investigation two eye witnesses, namely, Anis Kumar and Chandan Kumar have specifically stated that it was accused, Ganesh Sah, who took knife from his waist and stabbed Murari Kumar in his chest and co-accused, Thaga Sah, stabbed Rishi Kumar. Petitioner is in custody since 09.11.2020 and charge



sheet has already been submitted in this case.

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

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Bajpatti PS case No. 406/2020 on the following conditions:-

(1) Petitioner 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 his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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