

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25082 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- AMARPUR District- Banka

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1. VIJAY KUMAR SUMAN @ SUBODH KUMAR MAHTO SON OF JAIRAM MAHTO Resident of Village - Kumarkhal, P.S.- Amarpur, Dist.-
 2. ANJU DEVI W/O SUBODH KUMAR MAHTO Resident of Village - Kumarkhal, P.S.- Amarpur, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-12-2021 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code.

As per the prosecution case, the four named accused persons including the two petitioners herein are stated to have assaulted the wife of the informant. It is stated that while Jairam Mahto and Anju Devi (Petitioner no. 2) caught hold of her hand and leg, Vijay Kumar Suman (Petitioner no. 1) assaulted her as a result of which she fell down unconscious and on being taken to the hospital was declared dead by the doctor.

It is submitted by learned counsel for the petitioners



that the petitioners have been falsely implicated in the case. The allegation would be falsified from perusal of the contents of the postmortem report wherein no corroborative injuries have been found. The petitioners are in custody since 21.12.2020 and have no criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but there is direct allegation against them and specific allegation against the petitioner no. 1.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the contents of the postmortem report and the petitioners having remained in custody for more than 11 months, the Court directs the above two petitioners to be enlarged on bail in connection with Amarpur P.S. Case no. 245 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka.

it is further directed that the petitioner shall co-operate in the trial and in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation



on part of the petitioners, the learned trial Court may proceed
to cancel the bail bond of the petitioners and to take them into
custody till conclusion of the trial.

(Partha Sarthy, J)

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