

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31439 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- RAJPUR District- Buxar

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1. Radheshyam Kohar @ Kumhar Son of Rajendra Kohar @ Rajendra Prasad Resident of Village - Paliya, P.S.- Rajpur, Distt.- Buxar.
 2. Shyam Sundar Prasad @ Kohar Son of Rajendra Kohar @ Rajendra Prasad Resident of Village - Paliya, P.S.- Rajpur, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Upadhyay

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 04-10-2021 Heard learned counsel for the petitioners and learned Addl. Public Prosecutor for the State.

The petitioners seek bail in Rajpur P.S. Case No. 301 of 2020, registered for the offence under Section 302 & other allied sections of the Indian Penal Code.

As per the prosecution case, on 13/14 December, 2020, the informant got an information that his son is lying in an injured condition in the house of petitioners. On this information, the informant went there and saw his son in a badly injured condition. Subsequently, the informant got his son admitted in Rajpur Primary Health Centre, where during course of treatment, he died.



It is submitted on behalf of petitioners that no such occurrence has taken place. There is case and counter case. The wife of petitioner no. 1 lodged a case against informant side, vide Rajpur P.S. Case No. 302 of 2020, alleging therein that informant and his son caught the daughter of petitioner no. 1 and tried to commit rape with her. The aforesaid fact has also been supported by some of the witnesses during course of investigation. It is further submitted that the present case has been lodged only with a view to put pressure on the petitioners' side. Informant is not the eye-witness of the occurrence and only on suspicion, petitioners have been made accused. Petitioners are in custody since 14.12.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the materials available on record, the bail petition of petitioners is allowed. Let the above named petitioners be released 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 learned A.C.J.M.-V, Buxar in connection with Rajpur P.S. Case No. 301 of 2020, on the following conditions:



“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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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