

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31691 of 2021

Arising Out of PS. Case No.-80 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. DEEPAK KUMAR aged about 29 years Son of Late Lukho Sah @ Sukho Shah Resident of Khamhar, Ward No. 6, P.S. - Muffasil, District - Begusarai.
 2. Kanhaiya Kumar aged about 21 years Son of Late Lukho Sah @ Sukho Shah Resident of Khamhar, Ward No. 6, P.S. - Muffasil, District - Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajnish Kumar, Advocate

For the Opposite Party : Mr.AL Pandit, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-08-2021 Heard learned counsel for the petitioners and the
State.

Petitioners seek bail in a case registered for the offence punishable under sections 302/34 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, the informant alleged that her father-in-law had some altercation with petitioners and co-accused Niraj Kumar, Lali Sah and Raj Kumar Sah on account of land dispute. The villagers pacified the quarrel but again on 13.02.2019 at about 1:00 pm all the accused persons entered into her house and asserted that the land belonged to them. Her father-in-law asked the accused persons to construct straight



boundary wall otherwise he would not be able to go on the roof. The accused persons assaulted her father-in-law with bamboo and wooden stick and her father-in-law fell down on the ground after becoming unconscious and he was taken to the hospital where the doctor declared him dead.

Learned counsel for the petitioners submits that there is general and omnibus allegation of assault against the petitioners and no specific overt has been alleged against them. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 14.10.2020. Charge sheet has already been submitted.

In the facts of the case, prayer for bail of the petitioners is allowed. 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 Sri Sunil Kumar, Judicial Magistrate 1st class, Begusarai in Begusarai Mufassil Police Station Case No. 80 of 2019 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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