

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29823 of 2020

Arising Out of PS. Case No.-149 Year-2019 Thana- CHARPOKHARI District- Bhojpur

1. TILAKDHARI RAI Son of Late Siyaram Rai Resident of Village - Koyal, P.S. - Charpokhari, District - Bhojpur.
2. Raju Rai Son of Late Srikant Rai Resident of Village - Koyal, P.S. - Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary

For the Opposite Party/s : Mr. T. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-01-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case instituted for the
offences under Sections 302 and 34 of the Indian Penal Code.

The prosecution case in short is that while the
informant and his father were working in the field, the accused
persons came there and assaulted father of the informant due to
which he died.

It has been submitted on behalf of the petitioners that
the petitioner no. 1 is in custody since 20.08.2019 while
petitioner no. 2 is in custody since 27.8.2019. There is no
allegation of tampering of witnesses alleged against the



petitioners. Charge-sheet has been submitted in the present case. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The petitioner no. 1 is said to have dragged the deceased with *gamchi*.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. There is no specific allegation against the petitioner no. 2 who is said to have assaulted the deceased with *Rami*. From perusal of the post-mortem report, it is evident that there is incised wound on the scalp of the deceased. The allegations made in the F.I.R. is corroborated by the post-mortem report in respect of petitioner no. 2.

Considering the above, I am not inclined to grant bail to the petitioner no. 2. The prayed made on behalf of the petitioner no. 2 is rejected. The Trial Court is directed to conclude the trial at the earliest preferably within a period of nine months from the date of receipt/production of a copy of this order.

So far petitioner no. 1 abovenamed is concerned, he is directed to be released on bail on furnishing bail bonds of



Rs.10,000/- (Ten thousand) with two sureties of the like amount
each to the satisfaction of learned Chief Judicial Magistrate,
Bhojpur at Ara in connection with Charpokhari P.S. Case No.
149/2019.

(Sudhir Singh, J)

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