

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4205 of 2021**

Arising Out of PS. Case No.-200 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

PINTU KUMAR aged about 23 years Son of Angad Ray Resident of Village -
Dighi Kala Purvi, P.S.- Hajipur Sadar, Dist.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Nachiketa Jha, Advocate
For the Opposite Party : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 19-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for the offence punishable under sections 307/302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, accused Rajiv Kumar and about 15 other accused persons assaulted two persons Niraj Kumar and Manish Kumar with stone, bricks etc. and in course of treatment both of them succumbed to the injuries.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and has been made an accused on the basis of confessional statement of co-accused.



There is general and omnibus allegation against one named and 15 unknown accused persons to assault with bricks and stones to the victim. No specific overt act has been alleged against the petitioner. Petitioner is in custody since 16.8.2020. Charge sheet has already been submitted. Similarly situated co-accused have already been allowed bail by a co-ordinate bench of this Court vide order dated 27.7.2018, passed in Cr.Misc.No. 39976 of 2018.

Considering the facts and circumstances of the case and the fact that no overt act has been alleged against the petitioner and similarly situated co-accused have already been allowed bail by a co-ordinate bench of this Court, let the petitioner, mentioned above, be enlarged 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, Vaishali in Hajipur Sadar Police Station Case No. 200 of 2017 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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