

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1705 of 2021

Arising Out of PS. Case No.-408 Year-2020 Thana- MASHRAK District- Saran

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1. SONU KUMAR Son of RAMPUKAR RAI Resident of Village - Harpur Jan, P.S. - Mashrak, District - Saran at Chapra.
 2. Arvind Kumar Son of Naresh Rai Resident of Village - Harpur Jan, P.S. - Mashrak, District - Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-06-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in Mashrak P.S. Case No. 408 of 2020, registered for the offence punishable under Sections 307, 323 and other allied sections of the Indian Penal Code. Later on, section 302 IPC was also added.

As per the prosecution case, due to grazing of paddy field by the she-goat free fight took place between the parties, as a result of which both sides sustained injury. Later on during course of treatment two persons namely, Rojaddin Miyan and



Babuddin Miyan died.

It is submitted on behalf of the petitioners that though FIR has been lodged against 18 persons including the petitioners and 8 to 10 unknown persons, but no specific overt act has been alleged against these petitioners rather there is general and omnibus allegation. Case and counter case. It is further submitted that sons of the deceased namely, Parvej Alam and Shahabuddin Alam got two separate fardbeyans recorded by the Patna Police on two different dates in which they revealed different story and in these two fardbeyans, petitioners are not named. Similarly situated co-accused have already been granted bail by this Hon'ble Court vide order dated 23.12.2020 passed in Cr. Misc. 35227 of 2020. Petitioners are in custody since 19.07.2020 having clean antecedent. Chargesheet has already been submitted.

Learned APP however, vehemently opposed the bail application and submitted that there is serious allegation against these petitioners and they played active role in the alleged occurrence.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to 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 the learned Judicial Magistrate Ist Class, Saran at Chaprain connection with Mashrak P.S. Case No. 408 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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