

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2855 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- RAMGARH District- Kaimur (Bhabua)

1. Dinesh Jaiswal @ Pappu Jaiswal @ Dinesh Sah aged about 45 years Son Of Ramji Jaiswal Resident Of Village - Nuaon, P.S.- Ramgarh (Nuaon), District - Kaimur at Bhabua
2. Murari Jaiswal @ Arvind Kumar Jaiswal aged about 19 years Son of Dinesh Jaiswal @ Pappu Jaiswal @ Dinesh Sah Resident of Village - Nuaon, P.S.- Ramgarh (Nuaon), District - Kaimur at Bhabua

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. S. Ahmad, Addl Public Prosecutor
For the informant	:	Mr. Yogendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioners, the State
and the informant.

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

As per the prosecution case, when the informant
forbade the petitioner from throwing garbage in his
(informant's) land, the petitioner ordered other co-accused
Krishan Jaiswal to kill him. Thereafter, co-accused Krishna
Jaiswal, son of petitioner no.1 as well as brother of petitioner
no.2, gave knife blow to the stomach of informant's father and
when his uncle and cousin came in rescue, said Krishna Jaiswal



also inflicted them knife injury. Informant's father died in the hospital.

Learned counsel for the petitioners submits that from the FIR it is evident that it was Krishna Jaiswal who assaulted informant's father as a result of which he died of the knife injuries and at best petitioner no.1 can be said to be order giver and the only allegation on petitioner no.2.is that he had caught hold of the victim. He submits that the matter erupted on the trivial issue of throwing garbage. There is a case and counter case. Petitioners are in custody since 12.7.2020.

Learned counsel for the informant opposes the prayer for bail. He submits that the accused persons including the petitioners killed the informant's father.

Considering the rival submissions of the parties coupled with the fact that there is case and counter case and no specific allegation has been attributed against the petitioners, 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 the Chief Judicial Magistrate, Kaimur at Bhabua in Ramgarh Nuaon Police Station Case No. 149 of 2020/GR No.1299/2020 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)

Shashi

U		T	
---	--	---	--

