

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.892 of 2021

Arising Out of PS. Case No.-266 Year-2020 Thana- TEKARI District- Gaya

1. BALESHWAR PRASAD @ BALESHHWAR PRASAD Son of Late Rajendra Prasad Resident of Village - Ramnagar, P.s.- Tekari, Distt.- Gaya.
2. RAJESHWAR PRASAD @ RAJESHWAR SINGH Son of Late Sohan Singh Resident of Village - Ramnagar, P.s.- Tekari, Distt.- Gaya.
3. RAUSHAN KUMAR Son of Rajeshwar Prasad @ Rajeshwar Singh Resident of Village - Ramnagar, P.s.- Tekari, Distt.- Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Rakesh Singh, Advocate
For the Opposite Party/s	:	Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-03-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The petitioners seek bail in a case registered for the offence punishable under Sections 302, 147, 148, 149, 323 of the Indian Penal Code.

Prosecution case in brief is that on 11.06.2020 accused persons were making illegal construction on which the informant raised objection. Whereupon, all the FIR named accused persons being armed with lathi-danda and rod, started assaulting indiscriminately due to which his sister Saroj Devi sustained injury and died on the way to hospital.

Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the FIR named accused persons and there is no overt act against the petitioners. There is specific allegation against co-accused Nagendra Kumar. Postmortem report shows that the cause of death is head injury, which is done by hard and blunt substance. The petitioners are languishing in judicial custody since 12.06.2020. The petitioners have got no criminal antecedent which is mentioned in para 3 of the bail petition. Similarly situated co-accused Anuj Kumar has been granted bail by this Court vide Cr. Misc. No. 39791 of 2020.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, be released on bail after framing of the charge on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Tekari P.S. Case No. 266/2020 to the satisfaction of learned court below where the case is pending subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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