

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1709 of 2021**

Arising Out of PS. Case No.-257 Year-2020 Thana- KUDHNI District- Muzaffarpur

RAJENDRA RAY Son of Late Madho Rai Resident of Village- Dhodhi
Ratan, P.S.- Kurhani, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nachiketa Jha
For the Informant	:	Mr. Arun
For the Opposite Party/s	:	Mr.A.G.

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

3 17-05-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Kudhni (Fakuli OP) P.S.

Case No. 257 of 2020, registered for the offence punishable

under Section 302/34 of the Indian Penal Code.

As per the prosecution case, on the alleged date and

time of occurrence, 7 named and 3 to 4 unknown persons

brutally assaulted the father of informant (deceased) and when

he was taken to the hospital, the doctor declared him dead.

It is submitted on behalf of the petitioner that there is

general and omnibus allegation against this petitioner. Petitioner



is full brother of the deceased. As per the postmortem report only three injuries have been found on the person of deceased whereas allegation of assault is against 7 named and 3 to 4 unknown persons. Admittedly, there is land dispute between the parties. Petitioner is in custody since 09.05.2020 having clean antecedent. Chargesheet has already been submitted.

However, counsel for the informant vehemently opposed the prayer for bail and submitted that petitioner is one of the assailants.

Considering the period of custody and the fact that petitioner has got clean antecedent, the petitioner above-named, is directed to 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 the learned Additional Chief Judicial Magistrate-cum-Sub-Judge 3rd (West), Muzaffarpur in connection with Kudhni (Fakuli OP) P.S. Case No. 257 of 2020 subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioner tampers 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 petitioner.

(Prabhat Kumar Singh, J)

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