

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3912 of 2021

Arising Out of PS. Case No.-214 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. RAKESH DAS ,
2. PRAMOD DAS,
3. MANTUN KUMAR,
All SONs OF LATE CHANDRA SHEKHAR DAS, RESIDENT OF
VILLAGE- MAHMADPUR SAKRA, P.S- BIBHUTIPUR DISTT-
SAMASTIPUR.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-06-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

The petitioners seek bail in a case registered for the
offence punishable under Sections 147, 148, 149, 323, 341, 379,
448, 302, 307, 504 & 506 of the Indian Penal Code.

Allegation against the petitioners alongwith other
accused persons is of assaulting the informant and his family
members due to which mother and brother of the informant died
during treatment.

Learned counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in this



case. As per prosecution version that 12 named accused and 5/7 unknown persons came and assaulted the informant and his family members while they were sitting at his Darwaza, resulting his mother and brother have sustained head injury and his mother and his brother died in course of the treatment. The postmortem report shows that the cause of death is due to impact of heavy and hard object resulting haemorrhagic death. There is case and counter case between the parties and both parties are neighbours. The petitioners are languishing in judicial custody since 02.08.2020. There is general and omnibus allegation against the petitioners. There is no specific overt act against the petitioners.

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

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each in connection with Vibhutipur P.S. Case No. 214/2020 to the satisfaction of learned Court below where the case is pending; subject to the following conditions:

(1) One of the bailors will be his own blood



relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(3) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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