

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3029 of 2021

Arising Out of PS. Case No.-259 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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SAGAR KUMAR Son of Raj Kumar @ Raju Resident of Mohalla- Mascott,
P.S.- Motihari Town, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-03-2021 Heard both parties.

The petitioner seeks bail in Motihari Town P.S. Case No. 259 of 2019, registered for the offence punishable under Sections 147, 148, 149, 323, 324, 326, 307, 302 and 506 of the Indian Penal Code.

As per the prosecution case, on the alleged date of occurrence, all the accused persons including this petitioner armed with knife and iron rod came at the door of informant and on the order of co-accused, this petitioner, co-accused Raj Kumar @ Raju and Sushila Devi assaulted the informant by means of knife causing head injury. It is further alleged that all the accused persons assaulted Ajay Kumar, Nirmala Devi and Vijay Kumar by means of knife and iron rod, as a result of



which Ajay Kumar got severely injured and succumbed to death. Vijay Kumar and Nirmala Devi also sustained serious injury, thereafter, they were taken to the hospital for treatment.

It is submitted on behalf of the petitioner that there is general and omnibus allegation. As per the FIR, all the accused persons are alleged to have stabbed with knife, but the postmortem report reveals that the deceased sustained only two injuries. Injury report of other injured also does not corroborate the prosecution version. Similarly situated co-accused persons have been granted bail by different benches of this court vide orders dated 20.03.2020 passed in Cr. Misc. No. 2567 of 2020, dated 24.08.2020 passed in Cr. Misc. No. 22254 of 2020 and dated 24.11.2020 passed in Cr. Misc. No. 29630 of 2020. Petitioner is in custody since 13.01.2020 having clean antecedent, as stated in para 3 of the petition. Chargesheet has already been submitted.

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

Considering the facts and circumstances of the case and the fact that similarly situated co-accused have been granted bail coupled with the fact that petitioner bears 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 Judicial Magistrate Ist Class, Sadar East Champaran at Motihari in connection with Motihari Town P.S. Case No. 259 of 2019, subject to the 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)

vinita/-

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