

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6489 of 2021**

Arising Out of PS. Case No.-382 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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1. KUSHESHWAR CHAUPAL Son of Late Jogindra chaupal Resident of Village - Chikni, P.S. Sadar (O.P. Sanaki), District - Darbhanga.
 2. KAPPAL CHAUPAL Son of Late Jogindra Chaupal Resident of Village - Chikni, P.S. Sadar (O.P. Sanaki), District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subesh Sharma
For the Informant	:	Mr. Iqbal Asif Niazi
For the Opposite Party/s	:	Mrs. Pushpa Sinha I, APP

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

5 31-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioners seek bail in Sadar P.S. Case No. 382
of 2020, registered for the offence punishable under Sections
307, 302 and other allied sections of the Indian Penal Code.

As per the prosecution case, on 31.08.2020,
informant's brother namely, Vimal Kumar and his friend Nikesh
Kumar were returning from Darbhanga by motorcycle, on the
way, some people of Chikani village including these petitioners
confined them with the allegation that they are thieves and
threw bricks on them. It is further alleged that the accused



persons assaulted them with bricks and danda, as a result of which they became severely injured. Thereafter, villagers took them to DMCH from where they were referred to PMCH and on the way, informant's brother succumbed to the injuries.

It is submitted on behalf of the petitioners that instant case is counter blast of Sadar PS Case No. 381 of 2020 filed by co-accused Shivilal Chaupal on 01.09.2020 and thereafter, informant on the same date lodged the instant case against petitioners and other accused persons. There is general and omnibus allegation and no specific overt act has been alleged against petitioners. In fact, mobile no. 9572447276 of co-accused Shiv Lal Chaupal was snatched by two motorcycle rider at 8.00 pm, thereafter, both of them fled away and while fleeing away, they met with a road accident as a result of which Sadar PS Case No. 381 of 2020 has been filed against brother of informant. Petitioners are in custody since 01.09.2020 having clean antecedent. Chargesheet has already been submitted.

Counsel for the informant vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to 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 learned Chief Judicial Magistrate, Darbhanga in connection with Sadar P.S. Case No. 382 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper 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 petitioners.

(Prabhat Kumar Singh, J)

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