

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8322 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- MADHEPUR District- Madhubani

1. HARE RAM MAHTO S/O PALAT SINGH R/o village- Pachahi (Koriyani), P.S.- Madhepur, District- Madhubani
2. DURGA NAND KUMAR S/O NUNU PRASAD SINGH R/O VILLAGE-PACHAHI (KORIYANI), POLICE STATION-MADHEPUR, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-06-2021 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Madhepur P.S. Case No. 105 of 2020 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that as a result of altercation between the parties Palat Singh gave orders that the informant and others should be killed on which Ram Narayan Singh struck with a lathi on the head of the husband of the informant who later succumbed to his injuries. It is further stated that while the husband of the informant fell down the other accused persons including the petitioners herein assaulted the informant's husband.

It is submitted by learned counsel for the petitioners that from perusal of the FIR, the specific allegation of assault is on Ram Narayan Singh and not the petitioners herein. The



allegation against the petitioners is general and omnibus in nature and the same is not substantiated from the contents of the post-mortem report wherein only one stitched wound on temporal region of the petitioner has been found. The petitioners are in custody since 18.7.2020 and have no criminal antecedent.

Learned APP for the State has opposed the application for bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the main allegation being against Ram Narayan Singh and the petitioners having remained in custody for 9 months, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Madhepur P.S. Case No. 105 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Jhunjharpur, Madhubani.

(Partha Sarthy, J)

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