

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1709 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- RAJEPUR District- East Champaran

Shyam Kumar Son Of Late Birendra Bhagat R/O Village- Kashi Pakadi, P.S.-
Rajepur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2511 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- RAJEPUR District- East Champaran

Mohan Lal Prasad S/o- Late Jitu Bhagat Resident of Village- Kashi Pakari,
P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1709 of 2022)

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

(In CRIMINAL MISCELLANEOUS No. 2511 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in a case registered for the



offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code.

As per prosecution story, in brief, is that the informant Raju Kumar was going to Muzaffapur on 24.08.2021 with his father Panchu Nutt and in the way, when the informant and his father reached near Banwara Chowk all the accused persons including the petitioners and 10-15 unknown persons surrounded them and all the accused persons assaulted the father of the informant and brought the informant's father to Village Kashi Pakari. Anyhow, saving himself the informant came to his village and he went to Village Kashi Pakari with local Panches and after Panchayati the informant brought his father to his house. Thereafter, the informant brought his father to Muzaffarpur for his treatment where his father died. It is alleged that all the accused persons including the petitioners have committed murder of the informant's father by assaulting him.

Learned counsel for the petitioners submit that the petitioner namely Shyam Kumar has got one criminal antecedent other than the present one and the other petitioner namely Mohan Lal Prasad has clean antecedent. It appears from the F.I.R. that there is general and omnibus allegation against all



the accused persons including the petitioners. There is no specific allegations of overt act or assault against the petitioners and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 28.08.2021.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners on the basis of material available on record as well as in the case diary, fairly submits that there is general and omnibus allegation against all the accused persons including the petitioners and nothing has come during investigation against the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rajepur P.S. Case No. 127 of 2021, with the following conditions :-

(1) 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 on their absence on two consecutive dates without



sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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