

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2873 of 2022

Arising Out of PS. Case No.-357 Year-2021 Thana- VAISHALI District- Vaishali

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1. Raushan Kumar S/o Vijay Baitha R/o Village- Mishrauliya Jagdish, P.S.- Vaishali (Belsar O.P.), District- Vaishali.
 2. Bablu Chaudhary S/o Chana Baitha R/o Village- Mishrauliya Jagdish, P.S.- Vaishali (Belsar O.P.), District- Vaishali.
 3. Suresh Baitha S/o Chana Baitha @ Chana R/o Village- Mishrauliya Jagdish, P.S.- Vaishali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Namrata Mishra

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 28-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Vaishali
(Belsar O.P.) P.S. Case No. 357 of 2021, registered for the
offences punishable under Sections 341, 323, 302 and 34 of
the Indian Penal Code.

The prosecution case as emerging from the FIR is
that the informant has alleged that on 15.09.2021 at about
12:30 P.M. when her husband along with her brother had
gone to market for purchasing domestic articles, the



accused-petitioners caught-hold the husband of the informant and assaulted him with lathi and danda, due to which he died.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on account of previous enmity. She further submits that as per the post-mortem report, there is no substantive grievous injury found on the body of the deceased. Even the cause of death has not been ascertained and there is no allegation of wielding any dangerous weapons by the accused- petitioners. She also submits that petitioners have been languishing in jail since 17.09.2021. She also submits that investigation in this case is complete and charge-sheet has already been submitted. However, she is not sure that the charge has been framed or not.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.



However, the Ld. Counsel for the informant as well as Ld. APP for the State opposes the prayer for bail submitting that alleged offence is serious in nature.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-III, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 357 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.



(Jitendra Kumar, J)

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