

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14001 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- SHIVSAGAR District- Rohtas

1. Nagendra Bind @ Narendra Bind S/O Late Babulal Bind Resident Of Machwar, P.S.- Shiv Sagar, District- Rohtas
2. Bashishtha Bind @ Ramadhar Bind S/O Balister Bind @ Ram Adhar Bind Resident Of Village- Raipur Chor, P.S.- Badi, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishan Prasad Singh, Sr. Advocate
	:	Mr. Saket Kumar Singh, Advocate
For the Informant/s	:	Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 31-08-2022 Heard learned counsel for the petitioners, learned A.P.P
for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks form today.

The petitioners seek bail in connection with a case registered for the offences punishable under Sections 307, 341, 323, 324, 504, 506 and 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

The prosecution case, in short, is that the informant alleged that on 21.09.2021, at about 5:00 pm, petitioners and other co-accused persons came and suddenly started assaulting



to his son over his hand by means of iron rod, by which his hand got injured. It is further alleged that they assaulted his brother namely, Bhim Chandrabanshi by means of rod by which he got injured and they also assaulted his another son, namely, Manish Kumar by means of *lathi* and *danda* by which he got injured. Further, it is stated that injured Arbind Kumar was referred to Varanasi for better treatment, where he died.

Learned Counsel for the petitioners submits that the F.I.R. is lodged against seven accused persons including the petitioners. It is submitted that from perusal of F.I.R, it is evident that there is general and omnibus allegation of assaulting four persons of the prosecution party in which, Arvind Kumar was severely injured and later on he died during the course of treatment. It is further submitted that petitioner no. 2 is the father-in-law of the petitioner no. 1 and petitioner no. 2 resides in his village which is more than 30 km from the Place of occurrence. Further, it is submitted that there is case and counter-case bearing Shivsagar P.S. Case No. 298 of 2021, against the prosecution party and there is no specific allegation against the petitioners. Learned counsel for the petitioners further submits that the petitioners are in judicial custody since 26.09.2021, charge-sheet has been submitted in the case and has



no criminal antecedent.

Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners. It is stated that there is specific allegation against the petitioners which has come during the course of investigation in paragraph 41 of the Case Diary.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners and same is, accordingly, rejected. However, the learned A.C.J.M. cum Sub-Judge-6th, Rohtas at Sasaram, is directed to release the petitioners on bail, after framing of the charge on appropriate sureties, in connection with Shivsagar P.S. Case No 299 of 2021.

(Khatim Reza, J)

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