

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16982 of 2022

Arising Out of PS. Case No.-318 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

1. Sukhlal Ray Son Of Late Fulena Rai Resident Of Village- Gamhari Bathani Tola, Police Station- Baikunthpur, District- Gopalganj.
2. Kishori Rai Son Of Late Fulena Rai Resident Of Village- Gamhari Bathani Tola, Police Station- Baikunthpur, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava, APP
For the informant	:	Md. Anis Akhtar, Advocate
		Mr. P. Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioners, State and learned counsel for the informant.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The case is registered under section 302/34 of the Indian Penal Code in connection with Baikunthpur P.S. Case No. 318 of 2021.

As per the allegation in the FIR, on 4.1.2021, the mother-in-law of the informant was lighting lamp on the occasion of 'Diwali', it is alleged that the accused persons came to her door and started assaulting her in which bricks were also used causing her death.



Learned counsel for the petitioners submit that it was 'mar-pit' as a result thereof, the lady fell down and had injuries, resulting into her death. He further submits that there is omnibus allegation against all the accused persons. He lastly submits that the petitioner is in custody since 5.11.2021 (as stated in para-12 of the bail application).

Learned counsel for the informant submits that there is allegation of assault by the accused persons resulting into death of the lady.

Considering the fact that there is omnibus allegation against the accused persons of assaulting the lady as also that the petitioner is in custody since 5.11.2021 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gopalganj, in connection with Baikunthpur P.S. Case No. 318 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show



his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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