

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32219 of 2021

Arising Out of PS. Case No.-28 Year-2017 Thana- PIRI BAZAR District- Lakhisarai

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1. SHEKHO BIND SON OF LATE KHOPARI BIND R/O VILLAGE-TUMNI, P.S.- PIRI BAZAR,, DISTRICT- LAKHISARAI.
 2. CHINTU BIND SON OF SHEKHO BIND R/O VILLAGE- TUMNI, P.S.- PIRI BAZAR,, DISTRICT- LAKHISARAI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-02-2022 Heard Mr. Rajnish Chandra, learned counsel for the petitioners and Mr. Raj Kishore Singh, learned Additional Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with Piri Bazar P.S. Case No. 28/2017, registered for the offence punishable under Sections 147, 148, 149, 323, 504, 324, 326, 307, 506 of the Indian Penal Code 1860. Subsequently, Section 302 of the Indian Penal Code was added.

As per the First Information Report the petitioners along with other accused persons assaulted the brother of the informant by means of *lathi*, *danda* etc. causing injury on his head, due to which, he died during course of treatment.



Learned counsel for the petitioners submits that the petitioners have got no criminal antecedents and they have falsely been implicated in this case due to village rivalry. He further submits that the allegation against the petitioners is general and omnibus in nature and the eight persons including the petitioners have allegedly assaulted the informant's brother but in the postmortem report, only one head injury has been found caused by hard and blunt substance. He next submits that other co-accused person namely, Hurai Bind, having similar allegation, has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 18088 of 2018. The petitioners are in custody since 27.1.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the allegation against the petitioners is general and omnibus in nature, similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court, the petitioners are in custody since 27.1.2021 having no criminal antecedents and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/-



(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Piri Bazar P.S. Case No. 28/2017 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on eachh date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(iii) That the petitioner will not intimidate or influence the informant and the witnesses.

(Anil Kumar Sinha, J)

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