

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26050 of 2022**

Arising Out of PS. Case No.-158 Year-2021 Thana- GHOSI District- Jehanabad

1. Sonu Bind Son Of Feku Bind R/O Village- Palanipar, P.S.- Ghosi In The District Of Jehanabad
2. Vinay Bind Son Of Feku Bind R/O Village- Palanipar, P.S.- Ghosi in the District Of Jehanabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-08-2022 Heard Mr. Sunil Kumar, learned counsel for the petitioners and Mr. Bharat Bhushan, learned APP for the State in Virtual Court Proceeding.

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

The case has been registered under sections 341, 323, 302/34 of the Indian Penal Code and in connection with Ghosi (Okari) P.S. Case No. 158 of 2021.

As per the prosecution case, the informant in the FIR has alleged that one Khusbu Devi informed her that three accused persons namely Mukesh Bind, Sonu Bind and Binay Bind are assaulting her husband. She rushed towards her husband and found him in a critical condition. She further alleged that all the accused persons fled away from that place.



Doctor was called but by that time, her husband was no more.

Learned counsel for the petitioners submit that the informant is not an eye-witness to the occurrence and omnibus allegation has been made against the three accused persons that Khusbu Devi informed her about the assault being made by them to her husband. He further submits that one of the accused Mukesh Bind has since been released on bail by a coordinate bench of this Court vide Cr. Misc. No. 42478 of 2021 on 28.10.2021. He lastly submits that he is in custody since 11.2.2022 (as stated in para-12 of the bail application).

Taking into account the fact that an omnibus allegation has been made against the petitioners, one co-accused namely Mukesh Bind has since been released on bail as stated aforesaid, charge-sheet stands submitted and he is in custody since 11.2.2022 as also the fact that they have no criminal antecedents, this Court is inclined to grant him the privilege of bail. However, if it is found that they do have criminal antecedents, this bail order shall become infructuous.

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 Chief Judicial Magistrate, Jehanabad, in connection with Ghosi (Okari) P.S.



Case No. 158 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, 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 their 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) they 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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