

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31927 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- NAYAGAON District- Saran

Yogendra Rai Son Of Late Birju Rai R/O Village- Rasulpur, P.S.- Nayagaon,
District- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34301 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- NAYAGAON District- Saran

Ramjee Rai Son of Ravindra Ray @ Ravindar Rai Resident of Village -
Rasulpur, P.S.- Nayagaon, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31927 of 2021)

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate with
Mr. Ram Binod Singh, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 34301 of 2021)

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate with
Mr. Ram Binod Singh, Advocate.

For the Opposite Party/s : Mr. Aditya Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

10 27-07-2022 With the consent of the counsels of both the cases,

the aforesaid applications have been heard together and

disposed of by the common order.

Heard Mr. Bindhyachal Singh, learned senior counsel
for the petitioners and Mr. Satyendra Narayan Singh as well as
Mr. Aditya Narayan Singh, learned Additional Public Prosecutor



for the State.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Nayagaon P. S. Case No. 173 of 2020 registered for the offences punishable under Sections 147, 148, 323, 324, 307 and 302 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 14.11.2020 while the brother of the informant and his cousin and uncle were sitting in a temple, in the meantime, all the accused persons surrounded and brutally assaulted them by means of *lathi* and *danda* due to which the brother of the informant sustained grievous injuries resulting into his death.

Learned counsel appearing on behalf of the petitioners submitted that from the tenor of the F.I.R., it is evident that general and omnibus allegation has been levelled against all the accused persons and no specific allegation of overt act has been levelled against the petitioners. It is further submitted that though the occurrence has taken place at about 08:00 P.M. on 14.11.2020 whereas this F.I.R. has been instituted



at about 05:45 P.M. on 15.11.2020. It is next submitted that though just after the occurrence inquest report was prepared but at that point of time neither any F.I.R. has been instituted nor any *fardbayan* was recorded, however the same has been instituted later on after due deliberation on the next date. It is also submitted that similarly situated accused persons having identical allegation have been granted bail by different Benches of this Hon'ble Court. The copies of which have been produced before this Court and the same have been kept on record. It is further submitted that save and except the allegation that during the course of investigation, some of the witnesses have disclosed that it is Ramji Rai, who assaulted the deceased over his head due to which he succumbed to the injuries, there is no cogent material. It is lastly submitted that both the petitioners are in custody since 05.12.2020 and they are ready to give undertaking that they will cooperate in the trial till its conclusion.

On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons in furtherance of common intention assaulted the brother of the informant which resulted into his death.

Having considered the submissions made on behalf



of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that other co-accused persons having identical allegation have already been granted bail by different Benches of this Hon'ble Court in Cr. Misc. No. 28048 of 2021, 31775 of 2021 and 60935 of 2021, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Saran at Chapra in connection with Nayagaon P. S. Case No. 173 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.



(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

