

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36566 of 2021**

Arising Out of PS. Case No.-35 Year-2020 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

1. Kaushal Bind, Son of Ramdhyan Bind
2. Desi Bind, Son of Buchchi Bind, R/O Village Orgaye, P.S. Bhagwanpur,
District Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38711 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

Ramdhyan Bind, So of Ramsurat Bind, Resident of Village- Orgayi, P.S.
Bhagwanpur, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36566 of 2021)

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Md. Mustaque Alam, APP

(In CRIMINAL MISCELLANEOUS No. 38711 of 2021)

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, Advocate

Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 16-05-2022 The applicants/accused in Crime No. 35 of 2020

registered with Bhagwanpur Police Station (Sessions Trial No.

77 of 2020) for the offences punishable under Sections 147,

148, 149 and 302 r/w Section 34 of the Indian Penal Code, by

this application are seeking their release on bail during



pendency of the trial.

Heard both sides.

It is argued by the learned counsel for the applicants that coordinate Benches of this Court vide orders dated 19.10.2020 and 04.10.2021 in Criminal Misc. No. 27104 of 2020 and Criminal Misc. No. 17083 of 2021 have pleased to grant bail to five of the accused persons and relying on the principle of parity, this Court had subsequently on 25.04.2022 was pleased to grant bail to one of the accused namely Mukun Bind @ Mukund Bind in Criminal Misc. No. 25312 of 2021. Therefore, according to the learned counsel for the applicants, on the principle of parity the applicants herein are also entitled for bail.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious.

I have considered the submissions so advanced and also perused the materials placed before me.

According to the prosecution case, in all eight accused persons had assaulted deceased Ramashankar Bind on 10.03.2020 causing his death by means of rods and sticks.

The coordinate Benches of this Court had already released on bail to five accused persons with identical



accusation. Subsequently, this Court had also granted bail to one of the accused namely Mukun Bind @ Mukund Bind on the principle of parity. Evidence against the present applicant is also same and it is averred by the prosecution that they also assaulted deceased Ramashankar Bind by means of rods and sticks.

In this view of the matter, on the principle of parity, the applicants deserves to be released on bail and hence, the order :-

i. The application is allowed.

ii. The applicants/accused in Crime No. 35 of 2020 registered with Bhagwanpur Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) each on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against them.

(III) The applicants/accused should not contact



the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellants/accused.

Bhardwaj/-

(A. M. Badar, J)

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