

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38892 of 2021

Arising Out of PS. Case No.-852 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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RUPESH KUMAR Son of Raghubeer Das Resident of Village -
Machhargawa, P.S. Kotwa, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Harendra Prasad. APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-01-2022 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 302 and 34 of
the Indian Penal Code.

As per the prosecution case, the seven named accused
persons including the petitioner herein are stated to have come
variously armed. It is further stated that on the orders of Nandu
Das, Nandu Das and Kiran Devi assaulted the mother of the
informant with *dabiya* as a result of which she was seriously
injured. All the accused persons ran away. The mother of the
informant died on way to the hospital.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case. Even



as per the allegations in the FIR, no overt act has been alleged against this petitioner who is in custody since 21.1.2021 and has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, there being no allegation of overt act against this petitioner, the petitioner having remained in custody for over 11 months and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Town P.S. Case no. 852 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari at East Champaran.

(Partha Sarthy, J)

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