

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42250 of 2021**

Arising Out of PS. Case No.-310 Year-2020 Thana- KASIMBAZAR District- Munger

1. RAJA KUMAR Son of Feko Ram Resident of Village - Naya Tola (Chandanbag), P.S.- Kasim Bazar, District - Munger
2. Feko Rai Son of Late Sitaram Rai Resident of Village - Nayatola, Chandanbag, P.S.- Kasim Bazar, District - Munger
3. Rahul @ Malli Son of Feko Rai Resident of Village - Nayatola, Chandanbag, P.S.- Kasim Bazar, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 07-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Kasim Bazar PS case no. 310 of 2020 instituted for the offences punishable under Sections 302, 379/34 of Indian Penal Code.

The accused persons including the petitioners



herein are stated to have arrived at the house of the informant and thereafter, co-accused person namely Lalu Kumar is alleged to have assaulted the mother of the informant by axe, resulting in her sustaining grievous injury.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that as far as petitioners no. 1 and 3 are concerned, they are languishing in custody since 22.01.2021 and as far as petitioner no. 2 is concerned, he is languishing in custody since 19.02.2021. It is further submitted that a bare perusal of the FIR would show that there is no allegation of any sort of overt act having been indulged in by the petitioners herein and the allegation of assault is on the co-accused person namely Lalu Kumar.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus



allegation has been levelled against the petitioners and they are not alleged to have assaulted the mother of the informant as also are stated to be having clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of bail. Accordingly, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Munger in connection with Kasim Bazar PS case no. 310 of 2020.

(Mohit Kumar Shah, J)

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