

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37489 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- PHENHARA District- East Champaran

1. Bhushan Singh Son Of Uday Narayan Singh, R/O Village- Marpa Mohan, P.S.- Phenhara (FENHARA), District- East Champaran
2. Karun Singh @ Karunakar Singh Son Of Bhushan Singh, R/O Village- Marpa Mohan, P.S.- Phenhara (FENHARA), District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
		Mr. Shrinath Manjhi, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with Phenhara P.S. Case No. 133 of 2021 lodged under Sections 147, 148, 149, 341, 323, 325, 307, 379 and 504/34 of the Indian Penal Code.

As per prosecution, the case has been filed against 7 named accused persons. The specific allegation to attack on the head of informant by iron rod, which resulted into bleeding is upon accused Ashok Singh. The attack by lathi and danda is

upon Rahul Singh and Santosh Singh and allegation against the present petitioners to strangle the neck when the informant fell down and specific allegation against the present petitioners is to snatch the chain and mobile, cost about Rs.1,00,000/-.

Learned counsel for the petitioners submits the petitioners have caused no injury to the informant. He further submits that the dispute is due to the political rivalry for which Annexure-3 a complaint case has been lodged. He further submits that petitioner no.1 is old aged person of about 73 years who is in custody since 31.03.2022 against whom there were 6 criminal cases but in 5 cases, he was acquitted and presently one case is pending, in which he is on bail.

Learned counsel further submits that petitioner no.2 is in custody since 07.05.2022 and there are 2 criminal cases pending against him.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that involvement of these two petitioners are deep in commission of the crime. They were tried to kill by strangulating the neck of the informant.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and

the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, East Champaran, Motihari in connection with Phenara P.S. Case No. 133 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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