

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47121 of 2021

Arising Out of PS. Case No.-511 Year-2020 Thana- PAROO District- Muzaffarpur

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1. BHUWAN NUT S/o MOHAN NUT R/o VILLAGE-BAHLOLPUR, P.S-PAROO, DISTRICT-MUZAFFARPUR.
 2. MOHAN NUT S/o KHALIL KHALIFA R/o VILLAGE-BAHLOLPUR, P.S-PAROO, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Renuka Ratnakar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 07-04-2022 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioners, who are in custody since 17.01.2021
and 20.01.2021, seeks regular bail in connection with Paroo P.S.
Case No. 511 of 2020, for the offence punishable under Sections
147, 148, 149, 323, 302 and 120(B) of the Indian Penal Code.

The prosecution story, in brief, is that while the
husband of the informant was at his door, in the meantime, co-
accused Sohan Nutt came and asked him to accompany for
some necessary works at his house and after that all the accused
persons along with the petitioners assaulted the husband of the



informant and also killed him by pressing his neck. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that there is general and omnibus allegation levelled against the petitioners. Many accused persons assaulted the deceased and the deceased sustained multiple injuries, but so far as the petitioners are concerned, it is not attributable that it is only the petitioners who have assaulted the deceased. The petitioners have clean antecedent. He further submits that the similarly situated co-accused namely Ashok Paswan and Saroj Paswan have been granted bail by this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 22832 of 2021 and vide order dated 02.02.2022 passed in Criminal Miscellaneous No. 43158 of 2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Considering the aforementioned facts and circumstances of the case and rival submissions of the parties, it appears that there is general and omnibus allegation against the petitioners and there is no direct allegation of assault against the petitioners and similarly situated co-accused namely Ashok Paswan and Saroj Paswan have been granted bail by this Court



vide order dated 18.01.2022 passed in Cr. Misc. No. 22832 of 2021 and vide order dated 02.02.2022 passed in Criminal Miscellaneous No. 43158 of 2021, respectively, the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-III, Muzaffarpur (W) in connection with Paroo P.S. Case No. 511 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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