

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49015 of 2021

Arising Out of PS. Case No.-221 Year-2019 Thana- TAJPUR District- Samastipur

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Pankaj Kumar @ Pankaj Rai @ Pankaj Ray S/o Dinesh Rai R/o village-
Waini Mali Tola, P.S.- Tajpur (Waini O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 43949 of 2021

Arising Out of PS. Case No.-221 Year-2019 Thana- TAJPUR District- Samastipur

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Lalbabu Rai @ Lalbabu Ray @ Lallu Rai s/o Dinesh Ray r/o Village-Waini
Mali Tola, P.S- Tajpur (waini O.P), District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 49015 of 2021)

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate.

For the Opposite Party/s : Mr. Rajeev Nayan, APP.

(In CRIMINAL MISCELLANEOUS No. 43949 of 2021)

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-07-2022 Learned counsel for the petitioners is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Anshu Dhar Sharma, learned counsel for

the petitioners as well as learned Additional Public Prosecutor

for the State.



The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Tajpur (Waini O.P.) P. S. Case No. 221 of 2019 registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 341, 379, 447 and 504 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the father-in-law of the informant was sitting on a cot at his door, in the meantime, one Pankaj Kumar and his cousin brother-in-law came on a motorcycle and dashed his father-in-law and when her father-in-law enquired about the reason for dashing his cot, Lal Babu Rai @ Lalu Rai began to abuse him and thereafter, some other accused persons came there and started assaulting the father-in-law of the informant and other family members of the informant. It is further alleged that both these petitioners assaulted on the head and chest of the father-in-law of the informant, which resulted into his death.

Learned counsel appearing on behalf of the petitioners submitted that both the parties are agnates and there are bona fade land dispute between the parties and moreover, there is a counter version of the present case being Tajpur (Waini O.P.) P. S. case No. 311 of 2019. It is next submitted that



other co-accused persons named in the F.I.R. have already been granted anticipatory/regular bail by learned co-ordinate Bench of this Hon'ble Court. The copies of which have been brought on record by way of annexure nos. 1 and 5. It is next submitted that both the petitioners had come earlier before this Hon'ble Court in Cr. Misc. No. 32358 of 2020 and considering the nature of allegation, their prayer for bail was rejected vide order dated 15.01.2021. It is next submitted that both the petitioners have surrendered on 27.05.2020 and since then they are in custody, having no criminal antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submitted that there is specific allegation against both the petitioners that they have assaulted the deceased with iron rod and *danda*.

Having considered the submissions made on behalf of the parties and taking into account the nature of the allegation. This court is not persuaded to enlarge the petitioners on bail at present, however, it is made clear that the petitioners would be at liberty to renew their prayer for bail on or after framing of charge before the learned court below itself and the appropriate order of release would be passed on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two



sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- I, Samastipur in connection with Tajpur (Waini O.P.) P. S. Case No. 221 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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