

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51897 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- MANJHI District- Saran
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1. Sunil Bind @ Sunil Mahto S/O Radha Bind @ Radha Prasad R/o village- Mubarakpur, Bintoliya, P.S.- Manjhi, District- Saran
2. Guddu Bind @ Guddu Mahto S/O Radha Bind @ Radha Prasad R/o village- Mubarakpur, Bintoliya, P.S.- Manjhi, District- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Harish Kumar, Advocate
For the State : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioners seek bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per prosecution case, in brief, it is alleged by the informant Umesh Bind @ Dablu Bind that on 11.03.2021 around 10:30 A.M. when his brother Basant Bind was sleeping in his house after taking meal, then all the accused persons including the petitioners having lathi and iron rod in their hands came and



started assaulting with lathi and rod during which he fell down. The informant intercepted to save his brother but the accused persons did not listen to him. When the informant was taking his brother to Manjhi Hospital, then the accused persons intercepted the vehicle. Anyhow the informant brought to his brother to Hospital but his brother had died in the way where the doctor declared him dead.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that the specific allegation of assault against petitioner no. 2. He further submits that allegation as alleged in the F.I.R. against petitioner no. 2 is not corroborated with the post mortem report of the deceased. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.03.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with Manjhi
P.S. Case No. 71 of 2021, with the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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