

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42505 of 2022

Arising Out of PS. Case No.-436 Year-2019 Thana- MINAPUR District- Muzaffarpur

1. Mantosh Ram @ Mantosh Kumar Ram S/o Horeel Ram R/o village-
Puraina, P.S.- Minapur (Panapur O.P.), District- Muzaffarpur
2. Rajiv Kumar @ Rajiv Kumar Ram S/o Horeel Ram R/o village- Puraina,
P.S.- Minapur (Panapur O.P.), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

In the present case, the petitioners seek bail in connection with Minapur P.S. Case No. 436 of 2019 registered for the alleged offences under Sections 342, 338, 307, 325 and 302/34 of the Indian Penal Code.

As per prosecution case, the petitioners are sons of the informant. The petitioners and other co-accused persons assaulted the informant and his wife and the wife of the petitioner succumbed to her injuries. The occurrence took place in the background of land dispute.

Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners and other co-accused persons. No specific overt act has been attributed to the petitioners. The post mortem report shows only two injuries on the deceased whereas the allegation is against nine persons for assaulting the deceased by *lathi*, bricks, etc. The similarly situated co-accused Lallan Ram has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.07.2021 passed in Cr. Misc. No. 9669 of 2021. The petitioners are in custody since 15.04.2022 and charge-sheet has been submitted. The petitioners are having clean antecedent.

Learned APP opposes the submission made on behalf of the petitioners submitting that the post mortem report shows thirteen stitches on the abdominal injury of the wife of the informant along with another injury on the head of the deceased wife of the informant.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non specific allegation against the petitioners along with their period of custody and clean antecedents and the submission of charge-sheet, the petitioners above named are directed to be



released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P.S. Case No. 436 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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