

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65329 of 2021

Arising Out of PS. Case No.-366 Year-2021 Thana- BRAHMPUR District- Buxar

1. Gorakh Kanu @ Gorakh Sah S/o Late Banu Kanu Resident of Village - Chandrapura, P.S. - Brahampur, District - Buxar.
2. Lakshman Kanu @ Lakshman Kumar Sah S/o Gorakh Kanu Resident of Village - Chandrapura, P.S. - Brahampur, District - Buxar.
3. Vishal Kanu @ Vishalkumar Sah S/o Mnankanu Resident of Village - Chandrapura, P.S. - Brahampur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Choubey, Adv.
For the informant	:	Mr. Parijat Saurav, Adv.
	:	Mr. Sanchit Singh, Adv.
For the Opposite Party/s	:	Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2022 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 as well as learned counsel for the informant.

The petitioners seek regular bail in connection with Brahampur P.S. Case No. 366 of 2021, lodged under Sections 147, 341, 323, 307, 149, 506 of the Indian Penal Code.

As per prosecution case, the F.I.R. has been lodged against 3 named accused persons and 2 unknown accused persons. The allegation of assaulting by iron rod to the informant is there, due to which injury on the head and eyes are

there in the F.I.R..

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that the present case has been filed by the informant with a view to save his skin from the cases filed by the petitioners' side. Learned counsel for the petitioners also submits that he has annexed Annexure-4 by way of supplementary affidavit, in which statement under Section 164 of Cr.P.C. is there relating to Brahampur P.S. Case No.640 of 2021, in which specific allegation is against the informant of the present case.

Learned counsel for the petitioners further submits that all the sections leveled in the F.I.R. are bailable except Section 307 of I.P.C.. He further submits that petitioners are in custody since 22.09.2021 and antecedent of petitioners are clean.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is a specific allegation against the petitioners of assault by iron rod on the head and right eye of the informant.

In the present facts and circumstances of this 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahampur P.S. Case No. 366 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 affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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