

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1286 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- PARBATTa District- Khagaria

1. SUMAN KUMAR HAZARI Son of Late Umesh Hazari Resident of Village-Dumariya Buzurg, P.S.- Parbatta, District- Khagaria.
2. Natwar Kumar Hazari Son of Late Umesh Hazari Resident of Village-Dumariya Buzurg, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh,

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Parbatta
P.S. Case No. 304 of 2021 registered for the offence under
Sections 341, 323, 307, 504, 34 and 302 of the Indian Penal
Code.

The accused/petitioners are named in the F.I.R. and
petitioner no.1 is in custody since 31.08.2021 and petitioner
no.2 is in custody since 05.10.2021.

The allegation against the petitioners is to assault the



nephew of the informant along with other co-accused persons with rod and who died subsequently, during course of treatment.

Learned counsel appearing on behalf of the petitioners submitted that allegation as regard to fatal injury is very much general and omnibus in nature against the petitioners. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 4722 of 2022 dated 09.06.2022. It is also submitted that informant is not the eye-witness of the occurrence. It has further been submitted that petitioners are man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learend counsel appearing on behalf of the informant, Sri Vivekanand Singh, while opposing the prayer of bail, fairly conceded the fact that allegation as regard to assault is very much general and omnibus in nature against the petitioner, as per FIR.

Learned counsel for the informant submitted that it is a case of collective assault.



Considering the facts and circumstances as mentioned above, as allegation as regard to fatal assault is very much general and omnibus coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Parbatta P.S. Case No. 304 of 2021 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 ACJM, Khagaria/concerned court, subject to the following conditions:

“(i)Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(ii) That one of the bailors shall be Krishna Murari Choudhary, who is the brother-in-law of the petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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