

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12061 of 2023

Arising Out of PS. Case No.-79 Year-2021 Thana- CHHAURADANO District- East
Champaran

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1. Dev Kishore Srivastava, Male, aged about 40 years,
 2. Keshav Kishore Srivastav @ Janardan Srivastav @ K. K. Srivastava, Male,
aged about 42 years,
Both son of late Rajnarayan Prasad, R/O Village- Fatuha, P.S.- Chauradano,
District- East Champaran
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. A supplementary affidavit has been filed with
regard to necessary correction in para 2 as well as in the name
of the petitioner no. 2.

3. The petitioners seek bail in connection with
Chhauradano PS Case No. 79 of 2021 dated 29.03.2021,
(Sessions Trial No.452 of 2021) instituted for the offence
punishable under Sections 147, 148, 149, 341, 323, 324, 325,
307, 379, 302, 354-B, 504, 120-B, 447 and 506 of the Indian
Penal Code.

4. The allegation against the petitioners and others is



of assaulting the informant, his father, brother, son and wife due to which the informant's father succumbed to his injuries. Further allegation is of snatching *Mangal Sutra* from the neck of informant's wife as also snatching rupees two thousand from the pocket of the informant and rupees five thousand from the pocket of informant's father.

5. Learned counsel for the petitioners submits that specific and direct allegation of assault is against co-accused, Sunny Kumar, who assaulted the father of the informant with *farsa*. Learned counsel further submits that as per the postmortem report of the deceased the doctor has found only one injury on head, which is attributed to co-accused Sunny Kumar. Learned counsel further submits that petitioners are in custody since 12.10.2022 having no criminal antecedents. Lastly, it has been argued that three co-accused, namely, Rekha Devi, Babita Devi and Saroj Devi, have been granted bail by a Bench of this Court vide order dated 29.10.2021 passed in Cr. Misc. No. 42515 of 2021 and similarly situated one of the co-accused, Brij Kishore Srivastava, has been granted bail by a co-ordinate Bench of this Court on 22.06.2022 vide Cr. Misc. No. 7654 of 2022.

6. Learned APP has opposed the prayer for bail.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties as also the fact that similarly situated co-accused have been granted bail by co-ordinate Benches of this Court, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-22, Raxaul, East Champaran, in Chhauradano PS Case No. 79 of 2021 (Sessions Trial No.452 of 2021).

(Khatim Reza, J)

J. Alam/-

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