

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23146 of 2023

Arising Out of PS. Case No.-602 Year-2021 Thana- AKBARPUR District- Nawada

1. DEEPAK KUMAR Son of Jitendra Rajbanshi R/V- Surajpura PS- Akbarpur dist- Nawadah
2. Ajit Rajbanshi Son of Baudhu Rajbanshi R/V- Surajpura PS- Akbarpur dist- Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Akbarpur P.S. Case No. 602 of 2021 registered for the offence
under Sections 302/34 of the Indian Penal Code.

The mother of the informant is alleged to have
been assaulted by the petitioner by means of lathi due to
which she sustained injury on her head and died during
course of treatment.

Learned counsel appearing for the petitioners
submits that the petitioners, who are of clean antecedent,
are innocent and have falsely been implicated in this case. He



further submits that on bare perusal of the F.I.R., it appears that due to petty reason, the present occurrence has taken place and there is no specific allegation attributed to the petitioner rather general and omnibus allegation is leveled against the petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 07.02.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawadah in connection with Akabarpur P.S. Case No. 602 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 bond shall be canceled by the



Court below.

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

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 antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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