

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27260 of 2023

Arising Out of PS. Case No.-196 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

1. SURESH RAI S/o Ramayan Ray Resident of village-Bhatauli, P.S.-Kudra, District-Kaimur at Bhauba.
2. TUNTUN RAI @ TUNTUN RAI S/o Ramayan Ray Resident of village-Bhatauli, P.S.-Kudra, District-Kaimur at Bhauba

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhash

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with S.Tr. No.
28/2022 arising out of Kudra P.S. Case No. 196/2020 registered
for the offences punishable under Sections 147, 149, 341, 323,
324, 325, 307, 302, 354 and 504 of the Indian Penal Code.

As per prosecution case, petitioner no.1 assaulted
Shankar Singh by means of lathi and petitioner no.2 assaulted
Shankar Singh by means of Garasa on the head.

Earlier prayer for bail of the petitioners have been
rejected vide order dated 27.09.2022 passed in Cr. Misc.
No.62788/2021 by this Court with observation that the



petitioners may renew prayer of bail after six months from the date of receipt of said order, if there is no substantial progress in trial.

Learned counsel for the petitioners submits that impugned order dated 31.03.2023 passed by the learned trial court reveals that out of 11 witnesses only 03 witnesses have been examined. He further submits that delay of trial is not attributable to the present petitioners as they are languishing in custody since 27.08.2021.

The learned A.P.P. for the State does not controvert the submission of learned counsel for the petitioners.

Considering the facts and circumstances of the case as well as submissions made on behalf of the petitioners coupled with period of custody and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional District and Sessions Judge-IX, Kaimur, Bhabua in connection with S.Tr. No. 28/2022 arising out of Kudra P.S. Case No. 196/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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