

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37777 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- BALIA BELON District- Katihar

1. Mahendra Roy Son Of Late Bansilal Roy Resident Of Village- Shikarpur Sawanpul, Ps- Balia Belon, District- Katihar (BIHAR)
2. Gopal Roy Son Of Mahendra Roy Resident Of Village- Shikarpur Sawanpul Ps- Balia Belon, District- Katihar (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioners and State.

2. The petitioners are in custody in connection with Balia Belon P.S. Case No. 172 of 2022 for the offence under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that the petitioners have got no criminal antecedent and they are in custody since 28.12.2022.

4. It is alleged that petitioners are said to have assaulted the deceased. In the postmortem report one injury has been found in the body of the deceased.

5. Learned counsel for the petitioners submits that the prosecution case is doubtful.



6. Learned APP for the State has submitted that the truthfulness of the prosecution case cannot be examined at this stage.

7. I have considered the submissions of the parties and perused the materials available on record, the bail application on behalf of Mahendra Roy (petitioner no. 1) is allowed and Gopal Roy (petitioner no. 2) is rejected.

8. Let the petitioner no. 1 (Mahendra Roy) is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with Balia Belon P.S. Case No. 172 of 2022.

9. The Trial Court is directed to expedite the trial.

(Sandeep Kumar, J)

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