

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39138 of 2022

Arising Out of PS. Case No.-358 Year-2021 Thana- KHARHAGPUR District- Munger

1. UTTAM BIND
2. Gautam Bind Both S/o Jaykishun Vind Resident of Village - Shivpur Laugayan (New Baijalpur More), P.S.- Kharagpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-01-2023 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the accused persons are said to have come variously armed and of having assaulted the informant and the members of his family. The petitioner no.1 is said to have assaulted Lale Prasad with an axe on his head while petitioner no.2 is said to have assaulted Dev Kishore Prasad with an axe.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The



manner of occurrence is other than what has been narrated in the F.I.R. There is case and counter case between the parties. The petitioners are in custody since 4.3.2022 and 21.4.2022 respectively and besides chargesheet having been submitted even charge has been framed in the learned trial court on 28.6.2022. The petitioners undertake to cooperate in the trial.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the case and counter case between the parties and specially charge having been framed in the learned trial court, the Court directs the petitioners to be enlarged on bail in connection with Sessions Trial no.137 of 2022 (arising out of Kharagpur P.S. Case no.358 of 2021) on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Munger on the following conditions:

(i) one of the bailors of each of the petitioners shall be a close relative of the petitioners.

(ii) the petitioners shall remain physically present in the learned trial court on each date of the trial and shall cooperate in the trial.



In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioners, the learned trial court may cancel the bail bond of the petitioner(s) and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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