

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54729 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

-
-
1. RAMANAND RAI SON OF BHUBNESHWAR RAI RESIDENT OF VILLAGE- BISHANPUR BERI, P.S.- MOHIUDDINNAGAR, DISTRICT- SAMASTIPUR
 2. BIMLA DEVI WIFE OF RAMANAND RAI RESIDENT OF VILLAGE- BISHANPUR BERI, P.S.- MOHIUDDINNAGAR, DISTRICT- SAMASTIPUR
 3. RANJAN KUMAR @ RANJAN KUMAR RAY SON OF SHIVDAYAL RAI RESIDENT OF VILLAGE- BISHANPUR BERI, P.S.- MOHIUDDINNAGAR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioners are accused in connection with Mohiuddin Nagar P.S. Case No. 162 of 2023 registered for the offences under sections 302 and 120B of the Indian Penal Code lodged on 16.06.2023 by the informant, Bangali Ray.

As per the prosecution story, the allegation against the accused persons is of assaulting the deceased as a result, whereof he fell down on the earth and died. Accordingly, the FIR.

It is the case of the petitioner that omnibus allegation



is there against all the accused persons. The fact remains that he was old person suffering from various disease, due to scuffle he fell down, caused injury led to his death and entire family members have been roped in which include the female inmates (petitioner no. 2). Further, both the petitioner nos. 1 and 2 are aged person, 70 years and 60 years old respectively while petitioner no. 3 had nothing to do with the occurrence but has been dragged in.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that all the accused persons armed variously assaulted which led to his death.

Although the fact remains that an innocent person has lost his life, omnibus allegation is against all the accused persons which include the petitioner no. 2, a lady that their assault caused the death, they have remained in custody since 17.06.2023, none of them have criminal antecedents and are ready to abide by all the terms and conditions, this Court is inclined to extend them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Samastipur in connection with



Mohiuddin Nagar P.S. Case No. 162 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

