

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59255 of 2023

Arising Out of PS. Case No.-20 Year-2022 Thana- CHARPOKHARI District- Bhojpur

1. SANTOSH KUMAR SINGH @ SANTOSH YADAV S/O RAM CHAND YADAV R/O VILLAGE - KHARAUNI TOLA, P.S. - CHARPOKHARI
2. UMESH KUMAR @ UMESGH YADAV S/O KRISHNA YADAV R/O VILLAGE - KHARAUNI TOLA, P.S. - CHARPOKHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023

Heard the parties.

2. The petitioners are in custody in connection with Charpokhari P.S. Case No. 20 of 2022 for the offence under section 302/34 of the Indian Penal Code lodged on 09.02.2022 by the informant, Vinod Singh.

3. As per the prosecution story, the allegation is that informant's brother had gone to purchase egg, the Saraswati Pooja ceremony was going on and due to some dispute, a quarrel took place in which he was assaulted by number of persons by fist and slap, anyhow he came back and slept in the shop. Later in the morning, wanted that he should be taken to the hospital where during treatment, he died. Accordingly the



FIR.

4. Learned counsel for the petitioners submit that omnibus allegation of fist and slap is/are there. Further, the doctor during post-mortem found that the deceased was heavy alcoholic drinker and as such the final opinion of death wanted to be ascertained by sending the viscera to the FSL Patna.

5. Learned APP opposes the prayer for bail stating that all the accused persons assaulted by fist and slap which caused the death.

6. Taking into account the submissions of the learned counsels for the parties as also that the doctor during post-mortem found the informant's brother to be heavy alcoholic drinker, are in custody since 06.06.2023 (as stated in paragraph 3 of the supplementary affidavit) and do not have criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class Bhojpur, Ara, in connection with Charpokhari P.S. Case No. 20 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her 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 appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) 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 the bail bonds;

(v) 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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