

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57044 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- KALYANPUR District- East Champaran

1. NIRAJ KUMAR Son of Vidyanand Rai Resident of village- Siswa Basant, P.S- Kalyanpur, District- Champaran at Motihari
2. Dhiraj Kumar Son of Vidyanand Rai Resident of village- Siswa Basant, P.S. Kalyanpur, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-03-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 302, 120B, 34 of the Indian Penal Code.

As per allegation in the FIR, informant alleged that on 26.05.2022 while his brother was going duty petitioner along with co-accused persons assaulted and injured him with knife. By the time he was taken to near hospital during treatment he died.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. They



have falsely been implicated in this case due to land dispute. Neither the informant nor any eye witnesses were present at the time of alleged occurrence. From perusal of the postmortem report only one injury sustained by the injured. There is no specific allegation against these petitioners or any of the accused persons rather there is general and omnibus allegation against all the accused persons. It is further submitted that the petitioners are languishing in judicial custody since 27.05.2022.

Learned APP appearing for the state, learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the above said facts and custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Kalyanpur. P.S. Case No. 149 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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