

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67635 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- PANDARAK District- Patna

1. Laxmi Devi Wife Of Chandeshwar Mochi R/O Village- Pandarak (Chamar Toli), P.S.- Pandarak, District- Patna
2. Chandeshwar Mochi Son Of Ramotar Mochi R/O Village- Pandarak (Chamar Toli), P.S.- Pandarak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 302 and 120B/34 of the
Indian Penal Code.

According to prosecution case, all the accused persons
including the petitioners have assaulted the informant's husband
by means of lathi and danda as a result of which, he sustained
injury and during the course of treatment, he died.



Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it transpires that there is general and omnibus allegation against all the accused persons including these petitioners and there is no specific allegation of assault against these petitioners. He further submits that in fact, the informant is not the eye witness of the alleged occurrence and on the basis of suspicion, the informant has filed the present F.I.R. against these petitioners and other accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Vijay Mochi has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.05.2022 passed in Cr. Misc. No. 53961 of 2021 and another co-accused, namely, Nirbhay Kumar has been granted bail by this Court vide order dated 24.08.2022 passed in Cr. Misc. No. 28624 of 2022. The petitioners are in custody since 03.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances and



period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Pandarak P.S. Case No. 18 of 2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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