

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62639 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- JANDAHA District- Vaishali

GOVIND KUMAR SINGH Son of Mahendra Singh R/v- Bishanpur, P.S.-
Jandaha, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64114 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- JANDAHA District- Vaishali

MOHAN KUMAR @ KUNDAN KUMAR S/O Kamaldeo Paswan R/O
Village- Bishunpur, P.S- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62639 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Satyendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 64114 of 2022)

For the Petitioner/s : Mr. Pushkar Narain Shahi, Sr. Advocate
Mr. Shivam

For the Opposite Party/s : Ms. Diksha Singh
Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 28-03-2023 Heard the learned counsel for the petitioners and
learned APP for the State.

This is an application for regular bail on behalf of
the petitioners for the offences alleged under Section 302/34 of
the Indian Penal Code, registered in connection with Jandaha
P.S. Case No. 174 of 2022.

As per allegation, both the petitioners took away the
deceased on their motor-cycle and after some time, they brought



him at his *darwaza* in injured condition and thereafter dropped him at his house in unconscious state and fled away therefrom.

The learned counsel for the petitioners has submitted that the occurrence is said to have taken place on 10.06.2022, but the FIR was lodged on 13.06.2022. It is submitted further that had the petitioners any intention to assault the deceased or to kill him, they would not have dropped him at his house. It is also submitted that no motive has been assigned at all for assaulting the deceased. The petitioners are in custody since 17.06.2022 and 27.06.2022, respectively.

On the other hand, the learned APP has opposed the prayer, submitting that the witnesses have supported the occurrence in the case diary and the post-mortem report shows that ante-mortem injuries are present on the person of the deceased, to which the learned counsel for the petitioners has submitted that merely because there are some injuries on the person of the deceased, it cannot be inferred that the petitioners were the assailants.

Considering the above facts and circumstances, 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 learned Judicial



Magistrate 1st Class, Vaishali at Hajipur in connection with
Jandaha P.S.Case No. 174 of 2022, subject to the following
conditions:-

1. The petitioners shall cooperate in the
disposal of trial and make available as and when
required by the court.

2. If the petitioners are found involved
in future in the similar type of offence, the
prosecution will have liberty to file an application
before the court below for cancellation of the bail
of the petitioners and the learned court below will
take decision in accordance with law.

Office shall ensure that all defects are removed by
the petitioners within the stipulated time as provided
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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