

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65481 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. PAVITRA SADA Son of Late Rameshwar Sada
2. RAM PRASAD SADA Son of Late Dukha Sada
3. ISHWAR SADA @ ISHWAR KUMAR Son of Nandu Sada
All Resident of Village- Bajidpur, Ward No.-10, P.S.- Bajpatti, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kishore Thakur, Advocate
	:	Mr.Subodh Kumar, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar No.3,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-04-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail, who are in custody since
02.09.2022 in connection with Bajpatti P.S.Case No.85 of 2021,
F.I.R. dated 08.04.2021 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

As per allegation, the petitioners and other co-accused
persons, who are named in the FIR, entered into the house of the
informant and badly assaulted her father-in-law and made him
injured. Her father-in- law died at the spot due to indiscriminate
assault at the hands of the petitioners and other co-accused



persons.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case on the basis of the admitted land dispute. Further submits that the present case is counter blast of Bajpatti P.S.Case No.84 of 2021 filed by petitioners' side against the family members of the informant. Further submits that from bare perusal of the FIR it transpired that there is general and omnibus allegation against all the accused persons including the petitioners and there is no specific allegation of any assault or overt-act attributed against these petitioners and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 02.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Bajpatti P.S.Case No.85 of 2021, with 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 tamper 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)

Nitesh/-

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

