

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67735 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- KOPA District- Saran

1. PRADEEP PRASAD S/O SHRI BAIDYANATH PRASAD Resident of Village- Samhota Mathia, P.S.- Kopa District- Saran.
2. AMIT PRASAD S/O SHRI BAIDYANATH PRASAD Resident of Village- Samhota Mathia, P.S.- Kopa District- Saran.
3. CHANDAN PRASAD @ CHANDAN KUMAR S/O AMAR NATH PRASAD Resident of Village- Samhota Mathia, P.S.- Kopa District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

The petitioners along with others are said to have assaulted the son of the informant by knife causing injury on his left side of his chest due to which he died during course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely



been implicated in this case. He further submits that the F.I.R. is narrated in two parts; in the first part, general and omnibus allegation of assault is attributed to the petitioners and in the second part, the specific allegation of assault is attributed to the co-accused, namely, Amarnath Prasad who alleged attacked on the son of the informant with knife causing injury to his left side of chest while the co-accused, Arun Prasad was holding the deceased. He further submits that no specific allegation of assault or any overt act is attributed to these petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 08.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Court below where the case is pending in connection with Kopa P.S. Case No. 121 of 2022 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 canceled 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.

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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