

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72581 of 2022

Arising Out of PS. Case No.-187 Year-2022 Thana- DINARA District- Rohtas

1. BALI RAM MUSHAR S/o Late Sati Mushar R/o village- Bradhi Kala, P.S.- Dinara, Distt- Rohtas.
2. Naga Mushar S/o Kamlesh Mushar R/o village- Bradhi Kala, P.S.- Dinara, Distt- Rohtas.
3. Sugriv Mushar S/o Sati Kushar R/o village- Bradhi Kala, P.S.- Dinara, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamla Kant Pandey, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-05-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 10.06.2022 in connection with Dinara P.S. Case No.187/2022, FIR dated 02.06.2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the I.P.C & later on Section 302 of the IPC was added.

According to prosecution case, the petitioners along with other co-accused persons are said to have assaulted the father-in-law of the informant, namely, Bala Mushar, due to which, he succumbed to injury.



Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not an eyewitness of the alleged occurrence. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against these petitioners and the specific allegation is against the petitioner no.3, namely, Sugriv Mushar and the co-accused, namely, Rudal Mushar has been granted bail vide order dated 24.04.2023 passed in Cr. Misc. No. 73514/2022 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 10.06.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as 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 ACJM-cum-Sub Judicial Magistrate, Bikramganj, Rohtas in connection with Dinara P.S. Case No. 187/2022, 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 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)

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