

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63353 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- JAMHOR District- Aurangabad

1. Chandan Singh Son of Suryadev Singh R/o Village- Makhra Toli, Mani Bigha, P.S.- Jamhor, District- Aurangabad, Bihar
2. Pintu Singh Son of Rajdev Singh R/o Village- Makhra Toli, Mani Bigha, P.S.- Jamhor, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Siddhi Aashana, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 30-08-2024 Heard Ms. Siddhi Aashana, learned counsel for the petitioners and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioners seek bail in Jamhor P.S. Case No. 229 of 2023, instituted for the offences punishable under Section 302/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, petitioners along with other co-accused persons abused and assaulted the informant for refusing to give cigarette. Co-accused Pawan Singh assaulted the mother of the informant and later on all the accused persons assaulted her by means of *lathi*, legs and fists till her death.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submitted that no overt act has been alleged against them. There is an allegation against petitioner no. 2 of assaulting one Krishna Singh and the said person did not sustain any injury. Both the parties are *gotiyas* and there was an old land dispute between them. No specific allegation has been attributed towards the petitioners. The allegations levelled against the petitioners are general and omnibus in nature. Specific allegation is against co-accused Pawan Singh who is in judicial custody. The petitioners are in custody since 02.07.2024 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted bail by this Court vide order dated 09.05.2024 passed in Cr. Misc. No. 35216 of 2024 and order dated 17.05.2024 passed in Cr. Misc. No. 21884 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone



by the petitioners and claim based on parity, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jamhor P.S. Case No. 229 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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