

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83557 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- NAUBATPUR District- Patna

1. Om Prakash Rai Son of Ajay Rai R/O Village- Gopalpur, P.S.- Naubatpur, Dist.- Patna
2. Manish Kumar Son of Ajay Rai R/O Village- Gopalpur, P.S.- Naubatpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek regular bail in connection with Naubatpur P.S. Case No. 250 of 2023 for the offences registered under Sections 147, 149, 323, 302, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, on the date of occurrence petitioners along with other F.I.R. named accused persons and 3-4 unknown persons came and started disturbing the centering bamboo of the house of informant causing collapse of the entire centering. When the same was informed to the *Sarpanch*, on the same day, accused persons came and



assaulted the mother of the informant with iron rod due to which she died.

4. Learned counsel for the petitioners submits that petitioner is innocent and has falsely been implicated in this case due to old dispute between the parties. Both the parties are agnates. During course of house construction some altercation took place which converted into *mar-pit*. There is case and counter case between the parties. It is further submitted that due to sudden collapse of the house centering erected for roof, mother of informant sustained injury and she died in the hospital during treatment. There is no specific allegation of any overt act against the petitioners. They have been alleged as member of unlawful assembly. Specific allegation of assault with iron rod has been alleged against co-accused Birendra Rai, who is not the petitioner. Charge-sheet has already been submitted against the petitioners. Petitioners have no criminal antecedents. They are in custody since 22.04.2023.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner.

6. Considering the submissions made on behalf of the parties, facts and circumstances of the case and nature of allegation and period of custody, let the petitioners, named



above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with Naubatpur P.S. Case No. 250 of 2023.

(Sunil Dutta Mishra, J)

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