

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83723 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- KHAGAUL District- Patna

ABHISHEK KUMAR Son of Madhaw Dinbandhu, Resident of Village Kothawan, P.S. Khagaul, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 78854 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- KHAGAUL District- Patna

MADHAW DINBANDHU S/O LATE CHUNNI LAL RESIDENT OF VILLAGE- KOTHAWAN, PS. KHAGAUL, DIST. PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 83723 of 2023)
For the Petitioner/s : Mr. Rudra Deo, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP
For the Informant : Mr. Suresh Prasad, Advocate
(In CRIMINAL MISCELLANEOUS No. 78854 of 2023)
For the Petitioner/s : Mr. Rudra Deo, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP
For the Informant : Mr. Suresh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 309-04-2024
1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Khagaul P.S. Case no.259 of 2023 registered under sections 307, 379, 341, 323 and 34 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.



3. As per the prosecution case, the informant states that while he had gone out for morning walk, the accused persons including the two petitioners herein as also the wife of Abhishek Kumar started to assault him. On his father coming to his rescue, all the accused persons brutally assaulted him. He subsequently died in course of treatment on 29.6.2023 and as such, section 302 of the Indian Penal Code was added.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. The allegations are general and omnibus in nature and the death of the father of the informant took place 16 days after the alleged occurrence. The petitioners are in custody since 13.6.2023 and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only both the petitioners are named in the F.I.R. but there is direct allegation against them of having assaulted the informant as also the father of the informant with an iron rod leading to his death. In fact, there is specific allegation against Abhishek Kumar in the further statement of the informant.



6. Having heard learned counsel for the parties and taking into consideration the general and omnibus allegation against the petitioners in the F.I.R. together with the material that has transpired in course of investigation and the petitioners having remained in custody for about 9 months since 13.6.2023, the Court directs both the petitioners to be enlarged on bail in connection with Khagaul P.S. Case no.259 of 2023 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. V, Danapur, Patna.

(Partha Sarthy, J)

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