

Arising Out of PS. Case No.-223 Year-2023 Thana- MOTIPUR District- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Motipur P.S. Case No. 223 of 2023 lodged under Sections 341, 323, 302, 504/34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against seven named accused persons against whom there is specific allegation against one accused, namely, Raja Babu Ram that he has assaulted the son of the informant on his head by iron rod due to which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that petitioner and informant both belong to same village and they are well-known to each other. Counsel also submits that



petitioner was only member of mob and there is general and omnibus allegation.

5. Counsel further submits that petitioner's antecedent is clean and he is in custody since 25.09.2023. He further submits that for petty dispute, unnecessary scuffling took place between the two groups which resulted into death of deceased victim.

6. Learned counsel for the State opposes the prayer for bail and submits that the specific allegation is against one Raja Babu Ram who assaulted on the head of the informant's son.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II (West), Muzaffarpur in connection with Motipur P.S. Case No. 223 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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