

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74910 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Mandesh Kumar Ray @ Mandesh Kumar Son of Ramanand Ray village-
Bishanpur Beri, Ps- Mohiuddin Nagar, Dist- Samastipur
 2. Rakesh Ray @ Rakesh Kumar Ray son of Ramanand Ray village- Bishanpur
Beri, Ps- Mohiuddin Nagar, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioner, State and
the informant.

2 The petitioners are accuseds in connection with
Mohiuddin Nagar P.S. Case No. 162 of 2023 registered for the
offences under sections 302 and 120B of the Indian Penal Code
lodged on 16.06.2023 by the informant, Bangali Ray.

3. As per the prosecution story, the allegation against
the accused persons is of assaulting the deceased as a result,
whereof he fell down on the earth and died. Accordingly, the
FIR.

4. It is the case of the petitioners that omnibus
allegation is there against all the accused persons. The fact



remains that he was an old person suffering from various disease, due to scuffle he fell down, caused injury which led to his death and entire family members have been roped in which include the female inmates. Lastly, some of similar placed accused have been granted bail in Cr. Misc. No. 54729 of 2023 (Ramchand Rai Vs. the State of Bihar).

5. Learned APP for the State as also the informant, on the other hand, opposes the prayer for bail stating that all the accused persons armed variously assaulted which led to his death.

6. Although the fact remains that an innocent person has lost his life, omnibus allegation is against all the accused persons, their assault caused the death, they have remained in custody since 08.08.2024, none of them have criminal antecedents and are ready to abide by all the terms and conditions, this Court is inclined to extend them privilege of bail.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 162 of 2023, subject to the



following conditions-:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

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

(Rajiv Roy, J)

Vijay Singh/-

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