

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35281 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -KHAJAU LI District- MADHUBANI

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1. Birendra Kumar Singh son of Chandeshwar Prasad Singh
2. Krishan Kumar Singh son of Ram Bilash Singh Both residents of village Kasma Marar, P.S. Khajauli, Dist. Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-11-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Khajauli P.S. Case No. 42 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code and Sections 3 (2) V of SC/ST (Prevention of Atrocities) Act.

Allegedly, getting information that some persons had surrounded Shrawan Paswan and Bittu Paswan at Syphan Bridge, the husband of the informant along with Jeevan Paswan and Lalu Paswan went there and thereafter, they were assaulted by the petitioners and other accused persons with lathi, danda, fists and

rod, resulting the husband of the informant died during treatment and this fact was disclosed by Jeevan Paswan and Lalu Paswan.

Submission is of false implication and that there is no specific allegation as to who caused injury on what portion and by what means. Both the injured and deceased have received simple injury caused by hard and blunt substance but the deceased died due to traumatic shock which is evident from injury report and post mortem report mentioned in the case diary in para 30, 31, 32 and 36. The injured vide paragraph 47 and 48 have also not stated specifically rather in paragraph 48 Jeevan Paswan had stated that Ram Kumar Singh started assaulting with iron rod to them and as such the petitioners who are suffering in custody since 04.05.2015 deserve sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with prosecution evidence to which the learned Special PP opposes.

In the facts and circumstances stated above and considering that against the petitioners there is no specific allegation and chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Atulveer Singh, J.

M. Ist Class, Madhubani in connection with Khajauli P.S. Case No. 42 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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