

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38807 of 2015

Arising Out of PS.Case No. -669 Year- 2014 Thana -SAHARSA District- SAHARSA

1. Bodhi Das S/o Kankir Das
2. Pulen Das
3. Gango Das Both sons of Bodhi Das All resident of Village Bengha, P.S. Saharsa (Sadar), Distt. Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. M.Haque (App)
For the Informant : Mr. Pramod Mishra, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-12-2015 Heard the learned counsel for the petitioners, the learned A.P.P as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 323, 341, 147, 148, 149, 307, 379/34, 504 and 302 of the I.P.C

Allegedly, the petitioners and other FIR named accused persons along with 20-25 unknown armed with three-nut, farsa, spear and lathi came at the site of the informant where construction was going on and demanded ransom of Rs. 2,00,000/- which was refused by Sumit Saurav, the son of the informant and then the petitioner Bodhi Das gave order to his two sons,

petitioner nos. 2 and 3, to kill and both petitioner nos. 2 and 3 started assaulting the son of the informant with butt and Anil Kumar Rathor tried to rescue but he was also brutally assaulted by Ram Lagan Das, Anik Das, Mahendra Das and others at the order of Upendra Das and Shibu Das and Ram Lagan Das gave blow with three-nut on his head resulting he became unconscious and during treatment Anil Kumar Rathor died and further they took away rod, cement and other articles.

Submission is of false implication and that there was no intention to commit murder as butt portion of the fire arm has been alleged to be used. There is case and counter case. Other son of petitioner no.1, namely, Kundan Das was injured and that injury is not explained in the written report. The offence under section 302 I.P.C. is not made out nor the offence under section 307 I.P.C. is made out.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioners and others have formed gang and are involved in realizing ransom from the person who used to make construction on the land and on refusal used to commit such crime.

In the facts and circumstances as stated above,

considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners have got no criminal antecedents and they are in custody since 16.04.2015 and as alleged petitioner nos. 2 and 3 have assaulted with butt of three-nut to the son of the informant who has received two bruises which are simple in nature and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Saharsa in Saharsa Sadar P.S. Case No. 669 of 2014, 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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