

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45404 of 2015

Arising Out of PS.Case No. -359 Year- 2014 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Ashok Sah Son of Inar Sah.
 2. Rabindra Sah Son of Late Raj Nath Sah, Both resident of Village- Shahar Medani, P.S.- Kargahar, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh (APP)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 30-09-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Ashok Sah and Rabindra Sah, in connection with Kargahar Police Station Case No.359 of 2014, under Sections 302/34 of the Indian Penal Code.

Perused the above application and materials on record.

Heard Mr. Bharat Lal, learned Counsel for the petitioners, and Mr. Raj Kishore Singh, learned Additional Public Prosecutor, appearing on behalf of the State.

By order, dated 02.07.2015, passed, in Cr. Misc. No.21712 of 2015, accused Jagdish Sah, who allegedly gave a blow by *lathi* on the head of the deceased, has been released on

bail by a Bench of this Court, by making following observations:

“Petitioner is named in the first information report with allegation that he gave lathi blow on the head of the deceased and thereafter, other FIR named accused Ashok Sah and Rabindra Sah also assaulted the deceased causing injury on his head.

Learned counsel for the petitioner submits that post mortem report of the deceased reveals that the deceased sustained only one injury and moreover, this case lodged after three days of the alleged occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram in Kargahar P.S. Case No.359 of 2014.

In view of the circumstances noted above in the order, dated 02.07.2015, aforementioned and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioners' liberty on bail would adversely affect their trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs.10,000/- each with two sureties, each of the like amount, subject to the satisfaction of Smt. Richa Bhargav, learned Judicial Magistrate

1st Class, Sasaram (Rohtas), in connection with Kargahar Police Station Case No.359 of 2014.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, ACJ)

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