

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39507 of 2014

Arising Out of PS.Case No. -30 Year- 2013 Thana -MANJHI District- SARAN

1. Chandan Bharti Son of Dhananjay Bharti
2. Bikash Bharti @ Vikash Bharti Son of Birendra Bharti
3. Daya Shankar Bharti Son of Late Ramayan Bharti All residents of village- Kabirpar Mathian, P.S. - Manjhi, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.40933 of 2014

Arising Out of PS.Case No. -30 Year- 2013 Thana -MANJHI District- SARAN

Ranjeet Bharti son of Dhananjay Bharti @ Dhananjay Bhartiya @ Dhananjay Kumar Bharti

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39507 of 2014)

For the Petitioner/s : Mr. Mahesh Narayan parbat
Mr. Sanjay Kumar Jha

For the Opposite Party/s : Md. Mukhtaque alam , A.P.P.

(In Cr.Misc. No.40933 of 2014)

For the Petitioner/s : Mr. Ved Prakash Srivastva

For the Opposite Party/s : Mr. Md.Fahmuddin (App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL

ORAL ORDER

3 03-02-2015 Both these cases arise out of Manjhi P. S. Case No. 30 of 2013, as such, they have been heard together and are being disposed of by this common order.

The petitioners seek bail in a case registered for offences punishable under sections 302, 120B/34 of the Indian Penal Code.

The allegation is that the informant and deceased Ram Nath Bharti were travelling on a motorcycle, some persons stopped the motorcycle and one Ranjeet Bharti put the revolver on the temporal of the deceased and asked the informant Nagendra Bharti to move away. Thereafter, the informant came to his village and again went to the place of the occurrence with the co-villagers and found that Ram Nath Bharti was lying in unconscious condition in a bush.

Learned counsel for the petitioners submits that there is no allegation of overt act against Chandan Bharti and Bikash Bharti @ Vikash Bharti, who have been named in the F.I.R. Daya Shankar Bharti has not been named in F.I.R., but during investigation his name has appeared. The petitioners have no criminal antecedents.

It is further submitted that the daughter-in-law of the deceased has lodged a case against the informant and she has raised suspicion against him that he had committed the offence as the deceased had gone with him to deposit some money in the Punjab National Bank. After investigation, charge sheet has already been submitted and there is no chance of tampering with the evidence.

Learned counsel for the State submits that there is specific allegation of overt act against the petitioner Ranjeet Bharti, who had detained the deceased at the point of pistol.

Considering the facts and circumstances, in my opinion, the petitioner Ranjeet Bharti does not deserve bail and his prayer for bail is rejected.

Let, petitioners Chandan Bharti, Bikash Bharti @ Vikash Bharti and Daya Shankar Bharti of Cr. Misc. No. 39507 of 2014 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 learned Chief Judicial Magistrate, Saran, Chapra in connection with Manjhi P.S.Case No. 30 of 2013 with following conditions;-

- I) One of the bailors will be the close relative of the petitioners.
- II) The petitioners will not indulge in similar or in any other offence.
- III) The petitioners will be well represented in the Court.
- IV) In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bond will be liable to be cancelled by the Court concerned.

(Amaresh Kumar Lal, J)

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