

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50641 of 2015

Arising Out of PS.Case No. -343 Year- 2012 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Jata Shanker Rai S/o Late Chatradhari Rai, Resident of Mohalla- Loknathpur Ganj P.S.- Dalsingsarai Dist- Samastipur
 2. Prithwi Raj Giri, S/o Rudra Nand Giri, Resident of village- Madhodih, P.S. Ujiyarpur, Dist- Samastipur.
 3. Saroj Rai @ Saroj Kumar Suman s/o Shiv Narayan Rai, Resident of village- Pandh, P.S. Dalsingsarai, Dist Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Piyush Anand, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 16-12-2015 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in connection with Dalsingsarai P.S. Case No. 343 of 2012 for the offences punishable under Sections 147, 148, 149, 341, 323, 354, 307, 448, 504 of the Indian Penal Code and 3(1)(X) of SC/ST Act and later on sec. 302 of the I.P.C. and 3(ii)(v) of SC/ST Act were added.

Allegedly, the petitioners and other F.I.R. named accused persons, being armed with lathi and danda, along with 20 unknown persons, came and ordered the informant to vacate the

house after uttering their cast name and on protest the accused persons including the petitioners started assaulting with bricks and caused injury to Anil Paswan, Reena Devi, Girja Devi and the informant and Girja Devi, during treatment, died after 12 days.

Submission is of false implication and that there is no specific allegation for assaulting Girja Devi against the petitioners. The allegations are omnibus and general in nature, the petitioners are in custody since 18.09.2015 after their surrender. Charge sheet has already been submitted. The informant and all other injured have received simple injury and on the person of deceased-Girja Devi, no apparent injury was found by the doctor and in postmortem, the doctor has found the death due to hemorrhage and shock caused by hard and blunt substance and the time elapsed since death is within 36 hours and, as such, the petitioners cannot be held responsible to the injuries, caused on the person of Girja Devi later on. The petitioner Nos.1 and 2 are advocates and petitioner No.3 is the son-in-law of the petitioner No.1 and due to land dispute they have been falsely implicated. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned Special A.P.P opposes the prayer of bail.

In the facts and circumstances stated above and considering that when Girja Devi was examined by the doctor, no external injury has been found on her person vide Annexure-3 and further the informant and others have received simple injury and, as such, the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Court of A.C.J.M., Dalsingsarai, arising out of Dalsingsarai P.S. Case No. 343 of 2012 subject to the conditions that one of the bailors must be 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.

Rajiv/-

(Jitendra Mohan Sharma, J)

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