

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41128 of 2014

Arising Out of PS.Case No. -185 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

Sanjay Rai S/o Late Kailash Rai R/o vill. - Karnaul Chaturbhuj, P.S. Sahebganj, Distt. - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.43109 of 2014

Arising Out of PS.Case No. -185 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

Shahid Bharti son of Md. Qayamuddin, resident of village-Kesho Chowk, Pratap Patti, P.S.-Sahebganj, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S. K. Arun, Advocate
For the Opposite Party/s : Md. Mustaque Alam(App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR
LAL
ORAL ORDER

4 13-02-2015 Both these applications arise out of Sahebganj P.

S. Case no. 185 of 2014, as such, they have been heard

together and are being disposed of by this common

order.

Heard the learned counsel for the petitioners and

the learned A.P.P. for the State.

The petitioners seek bail in a case for the offence

punishable under Sections 147, 148, 149, 302, 307, 323,

324, 341, 342, 379, 504, 506 and 120B of the Indian Penal Code.

The allegation against the petitioners and two others, namely, Munna Mian and Arif Raza is to have assaulted the deceased Jitendra Singh with iron rod and thereafter Azimullah Bukhari, Suresh Rai and Thakur Rai had jumped over the body of the deceased and pressed his chest. There is also allegation of taking away ornaments and Rs. 5,000/- from the possession of the deceased. There is also allegation against several persons to have assaulted the informant and his brother Devendra Singh.

Learned counsel for the petitioners submits that for the same occurrence three F.I.Rs. have been lodged. The first F.I.R. (Sahebganj P.S. Case no. 183 of 2014) has been lodged by Masum Raza and the time of occurrence is 2 P.M. The second F.I.R. (Sahebganj P.S. Case no. 184 of 2014) has been lodged by accused Sanjay Rai against the informant and his brother and the present case, i.e., Sahebganj P.S. Case no. 185 of 2014 has been lodged by Brajkishore Singh, the brother of the deceased and against 47 unknown persons. It is further



submitted that the petitioners and others were on hunger strike (Amaran Anashan) against the local administration, Linku Devi, wife of the informant, Mukhiya of the Panchayat as she had defalcated flood relief fund of Rs.56 lacs. The petitioners were the members of the dharna party, who were peaceful in nature but the deceased and his men were the aggressors. The deceased was assaulted by the mob. He has also submitted that the informant has made statement which has also been recorded in para-107 of the case diary in which he has made allegation of assault against nine persons out of whom Dilip Bharti has been granted anticipatory bail vide Cr. Misc. no. 36927 of 2014 and several others have been granted regular and anticipatory bail. However, after investigation chargesheet has also been submitted and there is no chance of tampering of the witnesses.

Learned counsel for the State submits that the petitioners have also criminal antecedents.

Considering the facts and circumstances of this case, the above-named petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/-

(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. (West), Muzaffarpur in Sahebganj P. S. Case no. 185 of 2014 **after framing of charge** with the following conditions :

1. One of the bailors will be the close relative of the petitioners.
2. The petitioners will not indulge in similar or in any other offence.
3. The petitioners will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bonds will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

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