

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49446 of 2014

Arising Out of PS.Case No. -392 Year- 2012 Thana -BIHPUR District- BHAGALPUR, S.T.No.572/13

1. Kareli Miyan Son of Late Sheikh Mahboob
2. Tanuka Mushahar@ Tanuklal Rishidev Son of Late Bhothari Mushahar
Both Resident of Village - Marwa, P.S. - Bihpur, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioners : Mr. Ashok Kumar Jha,
Mr. Chawan Kumar Kashayap.
For the State : Mr. Dashrath Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER**

3 18-03-2015 Heard learned counsel for the petitioners and the
learned Additional Public Prosecutor for the State.

The petitioners seek bail in connection with Bihpur
(Jhanadapur) P.S. Case No. 392 of 2012 registered under Sections
147, 148, 149, 459, 323, 326, 307, 302 and 380 of the I.P.C.

Learned counsel for the petitioners submits that
prayer of the petitioners along with others for regular bail were
rejected earlier vide Cr. Misc. No. 30376 of 2013 on 29.01.2014.
It is also submitted that it would appear from the F.I.R. itself that
the petitioners are named along with four others with specific
allegations to the effect that both were armed with iron rod and
pistol in their hand and caused injury to the wife and father of the

informant, but it would appear from the postmortem report of Subhash Rai, father of the informant that injury no. 5 Dexterity and folding of right forearm at wrist, injury no.4, one sharp cut wound 02" x ½" bone deep, injury no.3 sharp cut wound on 2" x ½" bone deep and three lacerated wound, which is said to be caused by hard and blunt substances but the opinion of Doctor is that the cause of death is hemorrhage and shock due to injuries on head caused by sharp cutting object. It is also submitted that petitioners are co-villagers of the informant and have falsely been implicated in this case due to previous enmity and they are in custody since 05.02.2013.

Having regard to the facts and circumstances of the case, the above named petitioners, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Naugachiya at Bhagalpur in connection with Bihpur (Jhanadapur) P.S. Case No. 392 of 2012.

(Rajendra Kumar Mishra, J.)

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