

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7371 of 2015

Arising Out of PS.Case No. -100 Year- 2014 Thana -KOCHAS District- SASARAM (ROHTAS)

1. Yogendra Pal
2. Rabindra Pal
3. Birendra Pal All son of Late Ramnath Pal Resident of Chitandihra, P.S.
Kochas, District - Rohtas

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Jai Prakash Singh, Advocate.

For the Opposite Party : Mr. Satyendra Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 01-07-2015 Heard both sides.

The petitioners seek bail in Kochas P.S. Case No. 100 of 2014, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The son of the informant named the petitioner along with other accused persons and made omnibus and general allegation that all the accused persons assaulted his father with Tangi and Lathi. His father Ambika Pal died on way to hospital.

Learned counsel for the petitioner submits that Savita Kumari the daughter of the deceased in para-7 of the case diary alleged that Rabindra Pal petitioner no. 2 caught her father and Umesh Pal assaulted her father with Tangi on his head. Ramesh

Pal assaulted with stone and her father fell down in the ground. There is no specific allegation of assault against Yogendra Pal and Birendra Pal. From perusal of the injury report, it appears that only two incised wound was found on the head of the deceased Ambika Pal. Similarly situated co-accused namely Ramesh Pal, Rajendra Pal and Rangila Pal have already been enlarged on bail vide order passed in Cr. Misc. No. 7511 of 2015 on 19.05.2015.

On the other hand, learned counsel for the informant as well as learned APP submits that Rabindra Pal assaulted the deceased along with Umesh Pal although witnesses have stated in para 8 and 9 of the case diary that Ramesh Pal and Rabindra Pal were armed with Tangi along with Umesh Pal.

Considering the facts aforesaid and the fact that there is allegation against Umesh Pal that he assaulted with Tangi and Petitioner No. 2 Rabindra Pal assaulted with stone only thereafter, the deceased Ambika Pal fell down in the ground, but no specific allegation of assault is made against Yogendra Pal and Birendra Pal and similarly situated co-accused namely Ramesh Pal, Rajendra Pal and Rangila Pal have already been enlarged on bail, the petitioner nos. 1 and 3 namely Yogendra Pal and Birendra Pal are directed to be enlarged 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 Chief Judicial Magistrate,
Rohtas, Sasaram in Kochas P.S. Case No. 100 of 2014.

So far as case of petitioner no. 2 namely Rabindra Pal is
concerned, he is also alleged to have assaulted the deceased with
stone on his head and two incised wound injuries were found on
the head of the deceased out of which one is attributed to Umesh
Pal and another is attributed to the assault made by Rabindra Pal,
hence, I am not inclined to enlarge the petitioner no. 2 namely
Rabindra Pal on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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