

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36968 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

1. Brahmeshwar Mishra Son of Raj Kishor Mishra resident of village -
Rampur P.s. Noan,District Kaimur(Bhabua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.43087 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

1. Munna Singh @ Jitendra Singh, son of Subedar Singh, Resident of
Village- Akolhi (wrongly stated as Akodi in F.I.R.), Police Station- Nuaon
(wrongly stated as Ramgarh in F.I.R.) District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.36968 of 2015)

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha (App)

(In Cr.Misc. No.43087 of 2015)

For the Petitioner/s : Mr. Rajesh Kumar Pathak

For the Opposite Party/s : Mr. Surendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 03-11-2015 Both petitions arise out of Ramgarh P.S. Case No.

26 of 2015 registered under Sections-341, 342, 323, 307, 302/34

of the Indian Penal Code and accordingly, both petitions are being

heard and disposed of by this common order.

Heard learned counsels for the petitioners and

learned Additional Public Prosecutor for the State.

It would appear that deceased along with petitioners and some others had gone to attend a “Barat” where a quarrel took place between them and after that, the deceased flee from there by his vehicle but allegedly, he was chased by petitioners and others and while the deceased was on his way, he was caught by petitioners and others and was badly assaulted as a result of which, he died. The postmortem report of deceased reveals that his ribs were found fractured.

Learned counsel, appearing for petitioners points out that the deceased met an accident while going by his vehicle but the informant lodged this case against the petitioners with false allegation. To fortify the above-said contention, he referred the further statement of informant as well as statement of other witnesses.

On the other hand, learned counsel, appearing for informant opposed the prayer, pointing out that there is specific allegation against these petitioners that they mercilessly assaulted the deceased. The investigation against the petitioners has already been completed and after completion of investigation, police submitted charge sheet against the petitioners for the offence punishable under Sections-341, 342, 323, 308, 304/34 of the

Indian Penal Code.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, let the petitioners named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Ramgarh P.S. Case No. 26 of 2015 corresponding to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua.

(Hemant Kumar Srivastava, J)

A.K.V./-

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