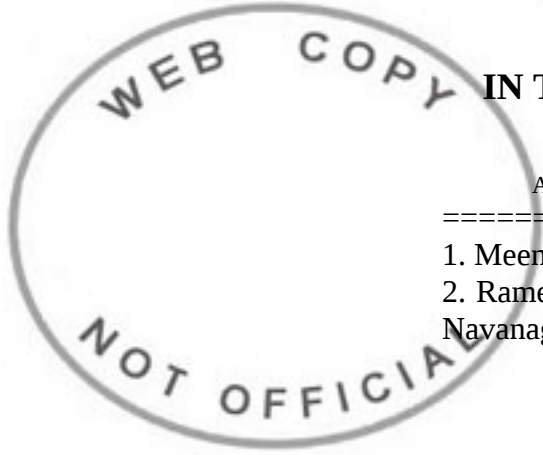




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29175 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -NAWANGAR District- BUXAR

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1. Meena Turhin W/o Shiv Prasad Turha
2. Ramesh Turha S/o Late Bishram Turha Both R/o village - Keshath, P.S.
Navanagar, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 29-10-2015 Heard the learned counsel for the petitioners as well
as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under section 302 of the I.P.C

Allegedly, the petitioners and other F.I.R. named accused persons with sickle and other illegal weapons after assaulting and cutting Kalabati Devi injured her as there was some altercation with the F.I.R. named accused persons for theft of Rs.400/- of the deceased.

Submission is that the occurrence is alleged to be of



01.11.2014 but the fardbeyan has been recorded on 10.11.2014 after much delay and without any explanation. As a matter of fact, when Kalabati Devi died then the informant out of grudge has lodged this case naming the petitioners and others. In the postmortem the injury found on the person of the deceased was due to blow inflicted by hard and blunt object and further there is no specific allegation against the petitioners. No cut injury has been found on the person of the deceased which is evident from paragraph-32 of the case diary and as such the petitioners who are in custody since 15.03.2015 and 21.03.2015 respectively deserve sympathetic consideration as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, to which the learned A.P.P. opposes by submitting that the petitioners are named in the F.I.R.

In the facts and circumstances as stated above, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Buxar in Navanagar P.S. Case No. 02 of 2015, subject to the conditions that one of the bailors must be a 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.

(Jitendra Mohan Sharma, J)

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