

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30590 of 2015

Arising Out of PS.Case No. -669 Year- 2014 Thana -SAHARSA District- SAHARSA

- =====
1. Upendra Das Son of Sahdeo Das Resident of Village - Bengra Ward No.
4, P.S. - Saharsa, District - Saharsa.
2. Shibu Das Son of Late Chedi Das
3. Ram Lagan Das Son of Shibu Das
4. Biranchi Das Son of Late Birju Das All resident of Village - Bengra,
P.S. + District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.41747 of 2015

Arising Out of PS.Case No. -669 Year- 2014 Thana -SAHARSA District- SAHARSA

- =====
1. Mahendra Das S/o Awadh Das R/o Village - Bengha, Ward No. 4, P.S. +
District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.30590 of 2015)

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Nirmala Kumari (App)

(In Cr.Misc. No.41747 of 2015)

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. M.Haque(App)

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

5 07-12-2015 Both the above stated petitions arise out of Saharsa

Sadar P.S.Case No. 669 of 2014 registered under section 323, 341,

147, 148, 149, 307, 379/34 and 504 of the Indian Penal Code.

Accordingly, both the above stated petitions have been heard

together and are being disposed of by this common order.

Petitioners are named in the first information report

and except petitioner no. 3, namely, Ram Lagan Das, of Cr. Misc No. 30590 of 2015, who is said to have given blow of three nut causing injury on the head of the deceased, there is general allegation of assault against the petitioners. The post mortem report of the deceased reveals that deceased sustained altogether four injuries. Out of them, two injuries were found on the leg whereas two injuries were found on the head of the deceased.

Learned counsel appearing for the petitioners submits that as a matter of fact, on the alleged date of occurrence prosecution party removed an Idol of God Bajarang Bali which led to altercation between the parties and persons from both the sides sustained injury and unfortunately, one person of prosecution side died in the alleged occurrence. To fortify the above stated contention, he drew my attention towards Annexure-2 to this petition which is photo copy of fardbeyabn of one Kundan Das recorded in connection with Saharsa Sadar 670 of 2014. Although the fardbeyan of the aforesaid Kumdan Das was recorded in hospital but there is nothing on the record to show that the aforesaid Kundan Das sustained any injury or not. Learned counsel for the petitioners points out that co accused Bodhi Das and two others have already been granted privilege of bail by a co-ordinate Bench of this Court.

Considering the aforesaid facts and submissions, let the above named, petitioners, except petitioner no. 3 namely, Ram

W
NO

lagan Das in Cr. Misc. No. 30590 of 2015, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S.Case No. 669 of 2014.

So far as petitioner no. 3, namely Ram lagan Das, in Cr. Misc. No. 30590 of 2015 is concerned, the learned court below shall examine as to whether the informant of Saharsa Sadar P.S.Case No. 670 of 2014 had sustained any injury or not and if it is found that informant of the above stated Saharsa Sadar P.S.Case No. 670 of 2014 had sustained injury, then in that event the petitioner no. 3, namely, Ram lagan Das in Cr. Misc. No. 30590 of 2015 shall be released on bail fixing the amount of bail bonds on his own satisfaction and if it is not so, he shall not be released on bail.

(Hemant Kumar Srivastava, J)

N.K/-

U		T	
---	--	---	--