

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3491 of 2016

Arising Out of PS.Case No. -66 Year- 2015 Thana -BARGANIA District- SITAMARHI

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1. Sri Bhagwan Singh @ Bhagwan Singh, Son of Khaheru Singh,
 2. Ashok Sah, Son of Suresh Sah,
 3. Phul Babu Patel @ Phul Patel, Son of Bindeshwar Singh,
 4. Santosh Patel, Son of Bindeshwar Singh,
 5. Shubelal Rai, @ Suhelal Rai Son of Late Ram Swarup Rai Both Resident of Village- Nandwara, Police Station- Bairginia, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-03-2016 Heard learned counsel for the petitioners, the learned counsel for the informant and the learned A.P.P. representing the State.

The petitioners seek bail in connection with Bairginia P.S. Case No. 66 of 2015 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 302, 307, 354, 380, 228, 504 and 506 of the Indian Penal Code and Sections 3(1)(X), 3(2)(V) of SC & ST (Prevention of Atrocities) Act.

Allegedly, eight F.I.R. named accused persons including the petitioners and others entered into the house of the informant and his *Pattidars*, took out cash of Rs. 1,25,000/- and

ornaments and further assaulted several inmates, causing serious injuries resulting Tapendra Paswan died during the course of treatment.

Submission is of false implication and that the manner of occurrence as alleged is not the true version, some of the petitioners are suffering in custody since 17.08.2015 whereas, petitioner no. 2 is in custody since 19.08.2015, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, there is no specific allegation against them and allegations are general and omnibus in nature, the petitioners have got no criminal antecedent and in this case co-accused, Anil Patel and Pappu Patel has been allowed bail vide Cri. Misc. No. 43777 of 2015 by another co-ordinate Bench of this Court and, as such, petitioners also deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioners are named in the First Information Report and during investigation witnesses have also supported regarding their participation in the crime.

In the facts and circumstances stated above, the petitioners, above named, are directed to be released on bail on

execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Bairginia P.S. Case No. 66 of 2015 subject to the conditions that one of the bailors must be 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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