

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3394 of 2016

Arising Out of PS.Case No. -285 Year- 2015 Thana -ARA MUFFSIL District- BHOJPUR

- =====
1. Dahaj Musahar son of Sukan Musahar alias Dasai Musahar
 2. Jawahar Musahar son of Sukan Musahar alias Dasai Musahar
 3. Hakim Musahar son of Dahaj Musahar
 4. Madai Musahar @ Mora Musahar son of Jatan Musahar
- All are resident of Village- Ballua, P.S.- Arrah Muffasil, District- Bhojpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kr.Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 16-03-2016 Heard the learned counsel for the petitioners and the learned A.P.P. representing the State.

The petitioners seek bail in connection with Ara Mufasil P.S. Case No. 285 of 2015 registered for the offences punishable under Sections 341, 323, 504 and 308/34 of the Indian Penal Code.

From perusal of the fardbeyan of Sanjit Singh who subsequently died during treatment, it reveals that against the petitioners, there is a general and omnibus allegation whereas

against co-accused Santosh Mushar, there is a specific allegation that he assaulted with Rami on the head of Sanjit Singh resulting he fell down and became unconscious.

Submission is that the informant was a drunkard and he fell down from the roof and subsequently, during treatment he died and these petitioners have been falsely implicated in this case due to dirty village politics, to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that against the petitioners, there is a general and omnibus allegation for assaulting the informant with Lathi and Danda and specific allegation is against co-accused Santosh Mushar, and as such, all the four petitioners, above named, are directed to be released on bail on execution of 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, Bhojpur, Ara in connection with Ara Mufasil P.S. Case No. 285 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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