

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9405 of 2016

Arising Out of PS.Case No. -52 Year- 2014 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Prabhakant Sah Son of Late Ramjee Sah, Resident of Padraun, P.S.-
Lauriya District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

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

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody since 07.1.2016 in connection with Lauriya P.S.Case No. 52/2014 registered for offences punishable under sections 341, 323 and 304/34 of the Indian Penal Code.

The prosecution case, as per the written report of one Ramchandra Sah is that on 07.04.2014 at about 9.00 P.M. his wife Sunaina Devi was at the door, meanwhile she saw that a person was throwing iron from the premises of Lauria Sugar Factory and some persons were collecting the same out side the factory. She went there and identified the petitioner and co-accused persons and when she prohibited them, they assaulted her by leg and hands, due to which she sustained injury and in the morning she became serious and she was brought to Referral Hospital and she

died.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and date of occurrence is 07.04.2014 but the F.I.R. has been lodged on 09.04.2014 after delay of two days.

It has further been submitted that the petitioner has no criminal antecedent as is evident from para-3 of this petition and allegation against the petitioner is general and omnibus and co-accused namely, Bijay Sah has been granted the privilege of bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 7486 of 2016 on 17.02.2016 on similar allegation.

However, learned A.P.P. for the State opposes the prayer for bail.

Be that as it may, the above named petitioner, Prabhakant Sah is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Bettiah, West Champaran in connection with Lauriya P.S. Case No. 52 of 2014.

(Nilu Agrawal, J)

Sudha/-

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