

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12709 of 2016

Arising Out of PS.Case No. -18 Year- 2011 Thana -BARGANIA District- SITAMARHI

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1. Jitendra Kumar Son of Nagina Singh Resident of village - Sekhauna, P.S. Bairgania, District - Sitamarhi
 2. Bittu Kumar, son of Shivji Singh Resident of village - Sekhauna, P.S. Bairgania, District - Sitamarhi
 3. Sanjay Singh Late Sukhdeo Singh Resident of village - Sekhauna, P.S. Bairgania, District - Sitamarhi
 4. Tuntun Singh @ Tuntun Kumar Dinesh Singh Resident of village - Sekhauna, P.S. Bairgania, District - Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyam Kr.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-05-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

The petitioners seek bail in connection with Bairgania P.S. Case no. 18/2011 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 341, 302, 307, 353 of the Indian Penal Code and Section 3(I)(X) of S.C./S.T. (Prevention of Atrocities) Act.

Allegedly, the petitioners and other F.I.R. named accused persons started assaulting the father of the informant with lathi danda and co-accused Dilip Singh and Arjun Singh started giving knife blow repeatedly on him and further, Subhash Paswan

and Madho Paswan have also received injury. The father of the informant was declared dead at Sitamarhi sadar hospital.

It is also alleged that along with F.I.R. named accused persons there were 150 unknown persons also.

Submission is of false implication and that against the petitioners there is no specific allegation. They have got no criminal antecedent, they are in custody since 26.01.2016 and 27.01.2016 respectively and as alleged they are not the assailant.

The learned A.P.P. opposes prayer of bail by submitting that the petitioners were also involved in the occurrence.

In the facts and circumstances as stated above, considering the detention of the petitioners and further they are not the assailants, charge-sheet has already been submitted and there is no chance of tampering with prosecution evidence, the 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, Sitamarhi in connection with Bairgania P.S. Case no. 18/2011 subject to the conditions that one of the bailors must be a near relating and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner 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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