

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17351 of 2016

Arising Out of PS.Case No. -181 Year- 2015 Thana -SURSAND District- SITAMARHI

- =====
1. Ram Bhagat Mandal, Son of Parikshan Mandal
 2. Kailash Mandal @ Kamla Mandal Son of Ram Bhagat Mandal Both resident of Village Ragharpura, P.S. Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-06-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 341, 323, 324, 379, 504, 506/34 and 302 of the I.P.C

Allegedly, the petitioners and co-accused Halkhori Mandal assaulted the wife of the informant with fists, slaps, lathi and danda and during treatment the wife of the informant died.

Submission is of false implication and that admittedly due to the land dispute the occurrence has taken place, there was no intention to commit murder, on the person of the deceased only one injury has been found which appears due to fall, no offence under section 302 I.P.C. is made out and as such the petitioners

deserve sympathetic consideration as they are in custody since 09.02.2016, whereas, similarly situated co-accused Halkhori Mandal has already been allowed bail by the learned court below itself and the case has also been compromised.

The learned A.P.P. opposes prayer for bail by submitting that the petitioners intentionally assaulted the wife of the informant brutally resulting her head was ruptured which proves fatal.

In the facts and circumstances as stated above, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Jai Prakash Kisku, J.M.1st Class, Pupri, Sitamarhi in Sursand P.S. Case No. 181 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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