

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22803 of 2016

Arising Out of PS.Case No. -152 Year- 2014 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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1. Shankar Sah @ Shiv Shankar Sah son of Late Julum Sah
2. Prabhu Sah son of Shankar Sah @ Shiv Shankar Sah,
Both are residents of village- Bediwan, Madhuban, P.S.- Pipra, District-
East Champaran Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Pipra
P.S. Case No. 152 of 2014 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

Allegedly, the petitioners and other two FIR named
accused persons came being armed at the door of the informant,
started abusing and co-accused Krishna Sah dragged Jogendra
Sah, the father of the informant, and all assaulted him brutally,
resulting, pain in his abdomen and other parts and during
treatment he died in the clinic of Ashutosh Sharan at Motihari.

Submission is of false implication and that the
occurrence is of 24.07.2014 whereas the first information report
has been lodged on 01.08.2014 after much delay, there is no

specific allegation against the petitioners, the deceased was drinker and due to abdominal pain he died due to anemia, the petitioner no. 1 is an old man aged about 80 years and is suffering from several diseases, they are in custody since 05.02.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that there is no specific allegation against the petitioners, the FIR has been lodged after much delay, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra P.S. Case No. 152 of 2014, 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.

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(Jitendra Mohan Sharma, J)