

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50414 of 2015

Arising Out of PS.Case No. -41 Year- 2015 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Lal Bahadur Thakur son of Late Sewak Thakur
2. Rajnish Kumar, son of Jainath Sharma,
Both residents of village- Khokhara, P.S.- Kalyanpur, District- East
Champaran

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 05-01-2016 Heard learned counsel for the petitioners, learned
counsel representing the State and learned counsel for the
informant.

The petitioners seek bail in connection with Kalyanpur
P.S. Case No. 41 of 2015 registered for the offences punishable
under Sections 447, 147, 148, 149, 341, 342, 323, 324, 325, 379,
307, 504 of the Indian Penal Code in which Section 302 of the
Indian Penal Code was added subsequently.

Allegedly, the petitioners and other FIR named accused
persons assaulted the deceased and specific allegation is against
co-accused Jai Nath Sharma for assaulting the deceased with Daab

thrice and only three injuries were found on the person of the deceased during post mortem examination and against petitioners there is allegation for assaulting with lathi and rod but no other injury has been found on the person of the deceased.

Submission is of false implication and that two co-accused Lalita Devi and Poonam Devi have already been allowed bail and the petitioners have falsely been implicated to which learned APP duly assisted by learned counsel for the informant opposes by submitting that the petitioners have also assaulted the deceased and further they have assaulted others also and the petitioner Rajnish Kumar has snatched gold Hanuman and cash of Rs. 2000/- from the son of the informant.

In the facts and circumstances stated above, considering that the petitioners are not the assailant and they by remaining in custody have sufficiently been penalized at this stage and further chargesheet 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri R. S. Pandey, J. M. Ist Class, Sadar Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 41 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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