

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1813 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -KHUTAUNA District- MADHUBANI

1. Banshi Lal Sah son of Anup Lal Sah Resident of Village - Ekdara, P.S. - Khutauna, District - Madhubani.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Nirmal Kr. Sinha(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-03-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Khutauna P. S. Case No. 50/2015 registered for offences punishable under Sections 147, 148, 149, 323, 302, 120-B of the Indian Penal Code.

The prosecution case is that on the alleged date of occurrence the deceased went near the house of the petitioner and committed rape of daughter of the petitioner, namely, Deepa Kumari. Villagers had seen the deceased and many of them assembled there and assaulted him and due to the assault of the crowd of the villagers, he died.

It has been submitted by the learned counsel for

the petitioner that the petitioner is innocent has committed no offence and has no criminal history. The allegations are general and omnibus, which can not be attributable to the petitioner as large number of accused persons assaulted the nephew of the informant, resulting in his death.

Learned counsel for the petitioner further contends that the statement of the informant's daughter has been recorded under Section 164 Cr. P. C. in which she has stated that the deceased tried to outrage her modesty. On such context, it has been submitted by the learned counsel for the petitioner that the mob became frenzy and assaulted the deceased.

Learned counsel appearing for the State submits that the petitioner is named in the F.I.R. and opposes the prayer for bail as all the independent witnesses in the case diary have supported that the petitioner along with the other accused persons assaulted, resulting in the death of one Bageshwar Yadav.

Learned counsel for the petitioner further submits that he is a Government Teacher in North Delhi Municipal Corporation Primary School, Bazirpur Industrial Area and he came to attend the marriage ceremony.

Be that as it may, let the above named petitioner in the

event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Khutauna P.S.Case No. 50/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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