

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.268 of 2016

Arising Out of PS.Case No. -105 Year- 2015 Thana -LADANIA District- MADHUBANI

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1. Prakash Sah Son of Uttimlal Sah
2. Laxman Sah son of Faudar Sah Both of village- Bagulwa, P.S.-Ladaniya,
District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Md. Ashlam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 03-03-2016 Heard learned counsel for the petitioners, learned

counsel for the informant and learned A.P.P. representing the

State.

The petitioners seek bail in connection with Ladania
P.S. Case No. 105 of 2015 registered for the offences punishable
under Sections 147, 148, 149, 323, 341, 324, 325, 307 and 302 of
the Indian Penal Code.

Allegedly, the petitioners and other eight F.I.R. named
accused persons being armed with spear, *Farsa*, spade and *Lathi*
came and co-accused Utimlal Sah with spade, Amrendra Yadav
with spear and petitioner, Prakash Sah with spear assaulted Domi
Sah, the father of the informant, after dragging him from the

tractor, causing injury on his head resulting he fell down and when the informant went for rescue then Amrendra Sah assaulted him with spade and the petitioner, Laxman Sah assaulted with *Lathi* and Manoj Yadav assaulted with *Farsa* to the informant and further other accused also assaulted.

Submission is of false implication and that during postmortem no penetrating wound has been found on the person of the deceased, abrasion, bruise and lacerated injuries have been found on the person of the deceased and, as such, the petitioner, Prakash Sah is not the assailant and against the petitioner, Laxman Sah, there is allegation for assaulting the informant and not the deceased and, as such, the petitioners deserve sympathetic consideration as they are suffering in custody since 16.07.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that besides the informant, the tractor driver has also supported the allegation and multiple injuries have been found on the person of the deceased and further the informant has also received multiple injuries.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and as per post-mortem report the petitioner, Prakash Sah is not the assailant

and, as such, both above named petitioners 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 C.J.M. Madhubani in connection with Ladania P.S. Case No. 105 of 2015 subject to the conditions that one of the bailors must be 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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