

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1026 of 2016

Arising Out of PS.Case No. -3 Year- 2015 Thana -SURSAND District- SITAMARHI

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1. Dhanjit Kumar Singh @ Dhanjit Kumar son of Sujay Singh
2. Pravesh Kumar Singh @ Pravesh Kumar son of Rambabu Singh
Both R/o village Raghunipatti, P.S. - Sursand, District - Sitamarhi.
..... Petitioners

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Harendra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-03-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners seek bail in connection with Sursand P.S. Case
No. 03 of 2015 registered for the offences punishable under Sections
302, 120B/34 of the Indian Penal Code.

Allegedly, Mukesh Kumar, the son of the informant, was
called by Sujay Singh, Dhanjit Kumar Singh (petitioner no. 1), Pravesh
Kumar Singh (petitioner no. 2) and Ram Babu Singh on dinner and
thereafter, Sujay Singh and his wife informed the informant that
Mukesh was sent to Sadar Hospital for treatment and then the informant
and his family members went there but during treatment Mukesh
Kumar died and it is alleged that by administering poison in the food
the accused persons have killed him.

Submission is of false implication and that during
investigation no cogent and legal material has come besides suspicion,

the cause of death was due to head injury, the deceased met with an accident and then he was brought to hospital and died, the allegation of administering poison has not been substantiated and similarly situated co-accused Sujay Singh has been allowed bail vide Cr. Misc. No. 13065 of 2015 by another co-ordinate Bench of this Court and as such the petitioners deserve sympathetic consideration.

Learned APP is not in a position to distinguish the case of the petitioners from that of co-accused.

In the facts and circumstances stated above, 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, Sitamarhi in connection with Sursand P.S. Case No. 03 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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