

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4436 of 2016

Arising Out of PS.Case No. -117 Year- 2015 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

1. Uma Shankar Das,
2. Jai Shanker Das, Both sons of Shri Jagdip Das, Resident of Village -
Hilalpur, Police Station - Industrial Area, Hajipur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. R.B. Roy Raman (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-06-2016 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel appearing on behalf of the
informant.

Petitioners apprehend arrest their arrest in connection
with Industrial Area P.S.Case No. 117 of 2015 registered for
offence punishable under Sections 323, 341, 354, 307, 379 and 34
of the Indian Penal Code, later on Section 302 of the I.P.C. was
added.

The petitioner along with other accused persons came
to the house of the informant and started abusing. When the
husband of the petitioner objected, one Shiv Shankar Das hit him
with an iron khanti and other Co-accused persons assaulted her

husband with lathi and danda. During the course of treatment, the husband of the informant died.

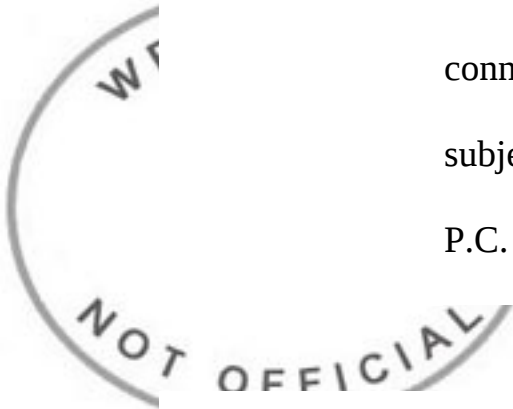
It has been submitted by the learned counsel for the petitioners that there is no specific allegation alleged against them and they do not have any criminal history as is evident from para-3 of this application. It has further been submitted that as per Post mortem report death is caused due to head injury, which cannot be attributed to these petitioners.

However, learned counsel for the informant submits that the petitioners and the other accused persons assaulted the deceased, who died during course of treatment and hence vehemently, opposes the prayer for bail.

Learned counsel for the State brings to my notice para-25 of the case diary, which is the Post mortem report which shows that there is one lacerated wound on the head, second and third are fracture in the left side and abrasion respectively, and cause of death is head injury, thus, opposes the prayer for bail.

Since the head injury has been alleged to have been caused by another co-accused, let the above named petitioners in the event of their 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 only) each

with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Industrial Area P.S.Case No. 117 of 2015, subject to the conditions as laid down under Section 438 (2) Cr. P.C.



(Nilu Agrawal, J)

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