

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25665 of 2016

Arising out of PS.Case No. -303 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

1. Laddu Mistri, son of Late Ram Kishun Mistri.
2. Rajesh Mistri, son of Laddu Mistri.
3. Santosh Mistri, son of Laddu Mistri. All are residents of village- Bar Makandpur, Police Station:- Gopalpur District:- Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Rajesh Kumar, Advocate.
For the Opposite Party : Mr. Sri Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-08-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 25.04.2016 in connection with Gopalpur P.S. Case No. 303 of 2012 for the offences instituted under Sections 147, 149 and 302 of the IPC.

The prosecution story, in brief, is that the informant alongwith her husband was in her garden. In the meantime, the petitioners alongwith Subhash Mistry, Hari Mistry, Subodh Sah, Anand Kumar, Mister Sah and Chhanguri Sah came to her garden forming unlawful assembly and assaulted her husband with Lathi, Fight, Mukka thereby sustaining injury to him. Subhash Mistry

assaulted him by lathi and iron rod. On hulla, labourer reached there and thereafter accused persons fled away. Thereafter he was admitted in hospital but he died.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 25.04.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioners. General and omnibus allegation has been made against the petitioners. No specific overt act has been alleged against the petitioners. The specific allegation has been made against one co-accused Subhash Mistri. The other co-accused have been granted anticipatory bail vide Annexure-6 to the present application.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Naugachia, Bhagalpur, in connection with Gopalpur P.S. Case No. 303 of 2012.

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(Sudhir Singh, J)