

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46955 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -DESARI District- VAISHALI(HAJIPUR)

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Shobhit Das Son of Late Lalu Das Residents of Village- Chainpur, Nanhkar,
P.S.- Desari, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.48094 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Kuldeep Das Son of Late Machchu Das
2. Birju Das Son of Kuldeep Das
3. Horil Das Son of Kuldeep Das All are resident of Village - Chainpur
Nanhakar, P.S- Desari, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.46955 of 2016)

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s: Mr. Sanjay Kumar Sharma

(In Cr.Misc. No.48094 of 2016)

For the Petitioners : Mr. Anuj Kumar, Advocate

For the State : Mr. R.P. S. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 08-12-2016 Since both the cases arise out of Desri P.S. Case

No.81 of 2016, they have been heard together and are being

disposed of by this common order.

Heard learned counsel for the petitioners as well as



learned Additional Public Prosecutor for the State assisted by learned counsel for the informant.

Petitioners seek bail in a case registered under Sections 147, 148, 149, 447, 341, 342, 302, 323, 324, 325 and 307 of the Indian Penal Code.

Petitioners are named in the first information report and it is alleged that all the F.I.R. named eight accused persons including the petitioners had assaulted the deceased by means of lathi, fatta etc. as a result of which deceased died in course of his treatment.

Submission on behalf of the petitioners is that in course of investigation, independent witnesses stated that free fight took place between the parties and deceased being an old man intervened into the fight but unfortunately, fell on ground as a result whereof he sustained injury on his head. It is further submitted that, as a matter of fact, there was land dispute and previous enmity between the parties and two days prior to the alleged occurrence, prosecution party had assaulted the family members of the petitioners for which Desri P.S. Case No.82 of 2016 was lodged against the informant and others.

On the other hand, learned counsel appearing for the informant opposed the prayer pointing out that in further



statement, the informant stated that it were petitioners Shobhit Das and Kuldeep Das, who assaulted the deceased by means of lathi.

No doubt, in further statement, the informant stated that petitioners Shobhit Das and Kuldeep Das assaulted the deceased but the aforesaid statement of the informant was recorded on 1.5.2016, i.e., after two days of the alleged occurrence.

Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that investigation against the petitioners has already been completed, 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 C.J.M., Vaishali at Hajipur in connection with Desri P.S. Case No.81 of 2016.

(Hemant Kumar Srivastava, J)

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