

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38288 of 2016**

Arising Out of PS.Case No. -137 Year- 2015 Thana -ALAMNAGAR District- MADHEPURA

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1. Chamak Lal Sada son of Ram Sasa  
2. Bipin Sada Son of Jagdambi Sada Both resident of Village- Shiv Mangal Singh Basa, Alam Nagar, P.S.Alam Nagar, Disrict Madhepura  
..... Petitioners

Versus

1. The State of Bihar ..... Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**

**ORAL ORDER**

2      30-09-2016                      Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Alam Nagar P.S. Case No. 137 of 2015 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The petitioners and other FIR named accused persons are said to have assaulted the deceased with lathi, danda, fists and slaps and also pressed the neck of the deceased. The post mortem report of the deceased shows that some abrasion were found on the person of the deceased but the doctor could not ascertain the cause of death of the deceased and viscera was kept preserved. The petitioners are in custody since 10.05.2016 and no specific overt act has been attributed against them.

Submission is of false implication and that similarly

situated co-accused Sethi @ Umesh Sada has been allowed bail vide Cr. Misc. No. 11979 of 2016 and as such the petitioners also deserve sympathetic consideration to which learned APP does not oppose.

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 S.D.J.M., Udakishunganj, Madhepura in connection with Alam Nagar P.S. Case No. 137 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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