

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10082 of 2016

Arising Out of PS.Case No. -83 Year- 2014 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Harendra Ram Son of late Dhanraj Hazra
 2. Motilal Ram son of late Dhanraj Hazra Resident of Village- Khajuriya
PS Govindganj District East Champaran Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Dr.Rabindra Kumar (App)

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

ORAL ORDER

3 12-04-2016 Heard the learned counsel for the petitioners, the

learned A.P.P. representing the State and the learned counsel

for the informant.

The petitioners seek bail in connection with

Govindganj P.S. Case No. 83 of 2014 registered for the

offences punishable under Sections 341, 323 and 302/34 of the

Indian Penal Code.

Allegedly, the petitioners and four other F.I.R.

named co-accused persons assaulted Chandan Kumar with fist,

Lathi and Fattha brutally and after seeing the informant, the

accused persons fled away and when Chandan Kumar was

being brought to Motihari for treatment in the way he died.



Submission is of false implication and that as a matter of fact, the informant is not the eye-witness but he has stated like an eye-witness, during investigation, it has not come specifically as to who assaulted Chandan Kumar with what weapon, Banaras Thakur whose statement has been recorded in para-13 of the case diary has also not stated as an eye-witness and further, Arjun Paswan whose statement has been recorded in para-20 of the case diary has stated other thing that Chandan Kumar closed the door and consumed something resulting his condition deteriorated, similarly situated co-accused Yadolal Ram has been allowed bail vide Criminal Miscellaneous No. 50943 of 2015 and, as such, the petitioners also deserve sympathetic consideration, to which the learned APP duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the prayer of bail of similarly situated co-accused Ram Rekha Paswan has already been refused and in the post-mortem report fracture injuries on the chest, head and face have been found and the witness Phooldev Thakur has supported the prosecution version vide para-12 of the case diary.

In the facts and circumstances stated above, considering that the petitioners are in custody since

02.06.2015, charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence, co-accused Yadopal Ram has already been allowed bail and, as such, the petitioners, above named, are also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar, East-Champaran, Motihari in connection with Govindganj P.S. Case No. 83 of 2014, 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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