

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54255 of 2015

Arising Out of PS.Case No. -143 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

Buchchi Singh son of Sudarshan Rai Resident of Village- Amwa
Dumariya, P.S. Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Opposite Party/s : Mr. Md. Ansural Haque (App)

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

3 21-01-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with Gopalganj
P.S. Case No. 143 of 2015 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

Allegedly the petitioner and other F.I.R. named
accused persons took away Mukhdeo Sah, the husband of the
informant, on tempo which is of the petitioner to visit *ASHTYAM*
and after some time the informant's husband was taken back to his
house in injured condition by the same tempo and then he was
taken to Sadar Hospital, Gopalganj but he died. It is stated that due
to land dispute between Khajan Yadav and Ramashankar Yadav,

the accused persons have injured the husband of the informant.

Submission is of false implication and that there is no specific allegation against the petitioner. The petitioner has got no role in commission of the alleged occurrence, the petitioner brought the injured to the hospital by his tempo but under instigation of someone he has also been implicated in this case. The husband of the informant received injury in an accident but due to land dispute and to take revenge, this false case has been lodged by implicating the petitioner. Similarly situated co-accused Budhdeo Sah has been allowed bail by the court below vide B.P. No. 1190 of 2015 and the petitioner is in custody since 24.07.2015, deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner being in collusion and conspiracy assaulted the husband of the informant causing injury and then brought him to his house. The story propounded regarding accident has been found false.

In the facts and circumstances stated above, considering the detention of the petitioner and further that chargesheet has already been submitted and there is land dispute and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Gopalganj arising out of Gopalganj P.S. Case No. 143 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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