

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39869 of 2016

Arising Out of PS.Case No. -371 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Dharmendra Kumar S/o Jai Mangal Bhagat
2. Dinesh Bhagat S/o Khobhari Bhagat
3. Hira Bhagat S/o Sita Ram Bhagat
4. Mohan @ Sharma @ Sharma Ji S/o Jang Bahadur Bhagat All resident of
Village- Bahuara Bhan, P.S.- Madhuban, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vindhya Keshari Kumar, Sr. Advocate
Mr. Ravi Shankar Pathak

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 01-12-2016 Heard both sides.

The petitioners seek bail in Madhuban P.S. case No.
371 of 2015 under Section 302 and other Sections of the Indian
Penal Code and under Section 27 of the Arms Act.

The informant, Jal Kumari Devi, named 26 persons
and alleged that they, having armed with different weapons, came
and asked her to remove the house from their lands. The accused
persons assaulted her. She further alleged that when her husband
and father-in-law came to save her Jai Mangal Bhagat and Jang
Bahadur Bhagat assaulted her father-in-law, Ganesh Bhagat, with
Farsa. Ganesh Bhagat fell down on the ground after becoming
unconscious.

The learned senior counsel for the petitioners submits



that informant made omnibus and general allegation of assault against the petitioners and others. The informant did not make any specific allegation against the petitioners of assaulting Ganesh Bhagat and assailants of Ganesh Bhagat are Jai Mangal Bhagat and Jang Bahadur Bhagat. Three injuries were found on the head and nose and on account of which Ganesh Bhagat died. The petitioners are in jail since 19.05.2016. There is counter version being Madhuban P.S. case No. 370 of 2015 registered on the basis of fard bayan of Jai Mangal Bhagat.

The learned counsel for the informant as well as the learned Additional Public Prosecutor, however, opposed the prayer for bail but they fairly conceded that petitioners are not the assailants of the deceased.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, East Champaran at Motihari in Madhuban P.S. Case No. 371 of 2015.

(Prabhat Kumar Jha, J)

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