

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28759 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -SRI NAGAR District- MADHEPURA

- =====
1. Baiju Das Son of Late Anuplal Das
 2. Naresh Das
 3. Pradeep Kumar Das Both son of Baiju Das all are resident of village - Mangarwara, Rain Tola P.S. Sri Nagar, District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha

For the Opposite Party/s Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

05/ 03.10.2016 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State assisted by learned counsel for the informant.

Petitioners seek bail in a case registered under section 302 and other minor sections of the Indian Penal Code.

Altogether, 14 persons including the petitioners are named in the first information report and it is alleged that petitioner no.1 gave farsa blow causing head injury to informant's husband whereas petitioner no.2 gave Dabia blow causing injury to informant's son and after that all accused assaulted the informant's husband and son. However, after the occurrence, all injured were taken to hospital where informant's husband died in course of his treatment and after that informant gave written report to officer-in-charge on 13.12.2015.

However, learned counsel appearing for the petitioner drew my attention towards para 17 of the case diary in which statement of

Ashok Das who happens to be one of the injured of this case was recorded and the aforesaid injured Ashok Das stated that it were Rajendra Das and Chouthi Das who assaulted the deceased and so far as petitioner no.1 is concerned, he is said to have given farsa blow to him. Injured Ashok Das appears to have sustained simple injury. Moreover, it is informed that co- accused Chouthi Das has already been granted privilege of bail by a coordinate bench of this court.

On the other hand learned counsel appearing for the informant opposed the prayer pointing out that post mortem report of the deceased corroborates the allegation but he could not explain the contradiction appeared in the statement of injured Ashok Das as well as informant.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that the petitioner nos. 1 and 3 are in jail custody since 14.12.2015 and petitioner no.2 is in jail custody since 15.3.2016 and occurrence appears to have taken place on account of land dispute, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhepura in Srinagar P.S. Case no. 86/2015.

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(Hemant Kumar Srivastava,J)

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