

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58507 of 2015

Arising Out of PS.Case No. -80 Year- 2015 Thana -RAJPUR District- -

- =====
1. Ranjeet Bhagat Son of Raghunath Bhagat
 2. Baliram Bhagat Son of Raghunath Bhagat Both resident of Village Fulwariya, P.s. Rajepur, District East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 17-03-2016

Heard the learned counsel for the petitioners as well

as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 341, 323, 315 and 504/34 of the I.P.C and section 3/4 of the Dyne Act.

Allegedly, the petitioners and co-accused Raghunath Bhagat being armed with lathi surrounded the informant and started assaulting him and when Soni Devi, the daughter of the informant, came for rescue co-accused Raghunath Bhagat threw her down and further the petitioner Ranjeet Bhagat abused her and instigated, then Raghunath Bhagat gave lathi blow on her abdomen resulting eight months old child died in the womb itself and the petitioner Baliram Bhagat was calling her as Dyne, however, after operation the dead child was removed and the life of Soni Devi was saved.

Submission is of false implication and that against the petitioners there is no allegation for assaulting Soni Devi, Soni Devi has received simple injury caused by the hard and blunt substance and for that the petitioners are not responsible, there is no postmortem report of the dead child and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. fairly submits that against the co-accused Raghunath Bhagat there is allegation for assaulting Soni Devi.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Motihari in Rajepur P.S. Case No. 80 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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