

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5637 of 2017

Arising Out of PS.Case No. -343 Year- 2016 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Dahadi Das, son of late Saryug Das,
2. Kishun Das, S/o Late Naga Das, Both are Resident of Village Biriyadih,
P.S.- Harsidhi, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

3 21-03-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners are accused in connection with
Harsidhi P.S. Case No. 343 of 2016, registered under Sections
147, 341, 447, 323, 324, 307 and 504/34 the Indian Penal Code.
Later on, Section 302 of the Indian Penal Code, has been added.

The accusation is that, on 30.01.2016, Dahadi Das
(petitioner no. 1) was constructing the boundary wall over the land
of Kunti Devi, informant. When she made protest then Krishna
Das came there armed with lathi and started to abuse and caused
injury to her. When Jaynarayan Prasad, brother-in-law of
informant, came to save her then Ram Ekbal Das caused injury at



his head through Farsa. Thereafter Niraj Das and Kishun Das (petitioner no. 2) also caused injury to Jaynarayan Prasad, brother-in-law of informant, through Lathi and Danda. In the meantime, Ram Ekbal Das took gold chain from the neck of the informant. Thereafter, Jaynarayan Prasad, brother-in-law of informant, was rushed at Sadar Hospital, Motihari, who died in course of treatment on 15.11.2016.

Learned counsel for the petitioner submits that while petitioners along with three others named in the F.I.R. but no specific overt act has been attributed against Dahadi Das (petitioner no. 1) as the specific allegation has been made against co-accused, Ram Ekbal Das to cause Farsa blow at the head of brother-in-law of the informant. Further submission is that Niraj Das and Kishun Das (petitioner no. 2) also caused injury through lathi and danda but out of two injuries as found on deceased, one is incised and other is laceration caused by hard and blunt substance and deceased died in the hospital on 15.11.2016 after sixteen days of the occurrence. Further submission is that both petitioners have no criminal antecedent and are in custody since 01.11.2016.

Having regard to the facts and the circumstances of the case, the petitioners above named, are directed to be released



on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, in connection with Harsidhi P.S. Case No. 343 of 2016. Out of two sureties, one surety must be the close relative of the petitioners.

(Rajendra Kumar Mishra, J)

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