

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28834 of 2017

Arising Out of PS.Case No. -90 Year- 2016 Thana -MARAUNA District- SUPAUL

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1. Birendra Sah, Son of Late Ram Dutt Sah,
2. Neeraj Kumar Sah @ Ritesh Kumar Sah, Son of Birendra Sah,
3. Jeetendra Kumar Sah, Son of Shri Lal Sah, All are Resident of Village-
Sakhua, P.S.- Marauna, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Adv.

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in judicial custody since
18.04.2017 in connection with Marouna P.S. Case No. 90 of 2016
for offences punishable under Section 302 and other allied
Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he had come to his village on 14.09.2016 and found some
sound coming from the back side of his house and on reaching
there, he found that the petitioners along with other co-accused
were cutting his *sheesham* tree and loading it on a tractor and on
objection, all the accused persons started assaulting the informant



and his family members, as a result of which his father succumbed to the injuries. Allegation upon petitioner no. 2 is of hitting the deceased with the butt of the gun and, on the order of petitioner no. 1, other accused persons have assaulted the wife of informant as a result of which her six months pregnancy got terminated.

It has been submitted by the learned counsel for the petitioner that they are innocent, and for the same occurrence there was an altercation between both the parties in which the petitioner side has lodged Marouna P.S. Case No. 89 of 2016 on the same day. He submits that co-accused Lokesh Sah, who had inflicted injury on the deceased by the butt of the gun along with petitioner no. 2, has since been granted privilege of bail by a co-ordinate Bench of this Court in Cri. Misc. No. 7094 of 2017 on 18.03.2017, as only one injury was found on the head. As per medical report, injuries inflicted by petitioner nos. 1 and 3 have been found to be simple in nature.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that petitioner no. 2 assaulted by butt of the gun on the deceased on the order of petitioner no. 1, all other accused persons assaulted the informant's wife along with petitioner no. 3 as a result her pregnancy got terminated.



Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner no. 2, namely Neeraj Kumar Sah, be enlarged on bail **after completion of six months in custody** and so far as petitioner nos. 1 and 3 are concerned, they shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, 1st Class, Supaul in connection with Marouna P.S. Case No. 90 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioners and that petitioners will appear before the learned court below during trial as and when required and failure to appear on three consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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