

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10632 of 2017**

Arising Out of PS.Case No. -102 Year- 2016 Thana -PASRAHA District- KHAGARIA

- =====
1. GOPAL KUMAR @ GOPAL SINGH Son of Rajendra Singh
  2. Uttam Singh Son of Shivdhari Singh @ Sribdhari Singh Both Resident of Village- Pasraha, P.S. Pasraha, District Khagaria.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3      26-04-2017                      Heard the learned counsel for the petitioners, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 147, 149, 341, 323, 308, 504 and 302 of the I.P.C

The informant made only general and omnibus allegation against the petitioners and other accused persons. During course of investigation it transpires that Savita Devi and Sheela Devi who were earlier accompanying Mina Devi to the disputed land said that Rajendra Singh assaulted Mina Devi with bamboo stick on her head, consequently Mina Devi died. The



petitioner Gopal Kumar @ Gopal Singh is alleged to have assaulted Sheela Devi. The petitioners are not the assailant of the deceased Mina Devi.

Submission is of false implication and that in this case similarly situated co-accused Disi Singh @ Disi Kumar @ D.C. Singh, Shambhu Singh and Nitya Nand Singh @ Nitya Nand Kumar have been allowed bail vide Cr. Misc. No. 12463 of 2017 by order dated 18.04.2017 and as such the petitioners also deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail of the petitioners by submitting that the prayer for bail of Rajendra Singh has already been rejected vide Cr. Misc. No. 10021 of 2017 in this case and as such the petitioners do not deserve bail.

In the facts and circumstances as stated above, considering that the petitioners are not the assailants of the deceased Mina Devi and as such they 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 A.C.J.M-II, Khagaria in Pasraha P.S. Case No. 102 of 2016/ G.R. No. 1645 of 2016, 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)**

Abhay/-

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