

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41757 of 2017

Arising Out of PS.Case No. -196 Year- 2017 Thana -KHAGARIA District- KHAGARIA

- =====
1. Sharvan Rai, Son of Late Ramlagan Rai,
 2. Sanjay Rai Son of Late Ramobtar Rai,
- Both R/o Village- Sansarpur, P.S.- Muffasil, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Smt. Indu Bala Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

- 3 06-11-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners seek bail in connection with Khagaria
(Muffasil) P.S. Case No. 196/2017 for offences punishable under
Section 307 and other allied Sections of the Indian Penal Code and
27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while his two sons returned home after taking bath in Ganges
ten accused persons including the petitioners variously armed with
pistol, gandasa, rod and lathi came and started assaulting the
informant's side. Specific allegation against petitioner no. 1 is of
giving katta blow on his son Jata Shankar Rai and specific



allegation upon petitioner no. 2 is of giving rod blow on the leg of the informant. The reason behind the occurrence was land dispute.

It has been submitted by the learned counsel for the petitioners that they are innocent and have not committed any offence. He submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioners and they are languishing in judicial custody since 31.07.2017.

However, learned counsel appearing for the informant submits that the injury caused by petitioner no. 1 is on the head and has been opined to be grievous in nature and injury caused by petitioner no. 2 is on the leg, which resulted in fracture and has also been opined to be grievous in nature, hence, opposes the prayer for bail.

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

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on completion of six months in custody on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Khagaria, in connection with Khagaria (Muffasil) P.S.

Case No. 196/2017, subject to the conditions that :

- (i) Both the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.
- (ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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