

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51893 of 2016

Arising Out of PS.Case No. -264 Year- 2016 Thana -BARHARA District- BHOJPUR

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1. Om Prakash Roy son of Janardan Roy
2. Lalji Roy son of Madhav Roy @ Madho Roy
3. Nitya Nand Roy son of Baijnath Thakur @ Baijnath Roy, All residents of village Khawashpur Gaura Ke Tola P.S. Barahara (Krishnagarh O.P.), District Bhojpur. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 09-03-2017

Heard both sides.

The petitioners seek bail in Barhara P.S. case No. 264 of 2016 under Section 302 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named 22 persons in the FIR and alleged that they all assaulted Rakesh and Umesh Yadav with Lathi, Danda. Hiralal Rai fired which hit on the neck of Rakesh and Rajesh fired at Umesh Yadav. Rakesh died on the spot. Umesh Yadav is still alive after treatment.

The learned counsel for the petitioners submits that there is no specific allegation of assault against the petitioners although the petitioners and others are alleged to have assaulted with Lathi, Danda but from perusal of the post mortem report it



appears that only two injuries caused by fire arm are found on the deceased, Rakesh, and both the injuries are communicating to each other.

The learned counsel for the informant as well as the learned Additional Public Prosecutor, however, opposed the prayer for bail but, at the same time, submitted that no specific allegation of assault is made against the petitioners.

Considering the facts aforesaid and the fact that similarly situated other accused persons have already been granted bail, the petitioners, namely, 1. Om Prakash Roy, 2. Lalji Roy and 3. Nitya Nand Roy, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in Barhara P.S. Case No.264 of 2016..

(Prabhat Kumar Jha, J)

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