

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11308 of 2018

Arising Out of PS. Case No.-294 Year-2017 Thana- KOILWAR District- Bhojpur

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1. Laptu Pandit @ Lakhandar Pandit son of Late Chait Pandit
 2. Bahadur Pandit son of Late Yugal Pandit
 3. Supan Pandit son of lat Yugal Pandat
 4. Mantu Pandit son of Bahadur Pandit
 5. Satyendra Pandit son of Bahadur Pandit. All are residents of village – Songhatta, Sakaddi, P.S. - Koilwar, District Bhojpur at Arrah

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 30-03-2018 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

Petitioners seek bail in connection with Koilwar P.S. Case No. 294 of 2017 pending in the Court of learned Chief Judicial Magistrate, Bhojpur at Arrah registered for the offence punishable under Sections 341, 323, 504, 379, 307/34 and 354(A) of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code has been added.

The prosecution case, as lodged by the informant, is that while he along with Kaushalya Devi was entering in the house, petitioners along with other co-accused persons started assaulting the family members on which one Jitendra Pandit and one Rita Devi died during course of treatment.



It has been submitted by the learned counsel for the petitioners that they are innocent, there is no direct evidence against any of the petitioners and they have been falsely made accused only on mere suspicion. He submits that the petitioners are in judicial custody since 20.10.2017 and that charge-sheet has already been submitted.

However, learned counsel for the informant submits that as a result of the assault, two persons from the informant's side succumbed to the injuries and one of the witnesses at paragraph 34 of the case diary has stated that he had seen the occurrence. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioners at this stage. This application is, accordingly, rejected.

However, petitioners are at liberty to renew their prayer for bail after framing of charge.

(Nilu Agrawal, J.)

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