

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12366 of 2018

Arising Out of PS.Case No. -34 Year- 2017 Thana -SRINAGAR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Mohan Sah S/o Harihar Sah,
 2. Vijay Sah, S/o Kanchan Sah, Both resident of Village- Bagahi,
Baghambarpur, P.S.- Shirnagar Pujaha, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-03-2018 Heard learned counsel for the petitioners and learned
APP for the State.

This is the second round of litigation. Earlier the prayer
for bail of the petitioners were rejected vide order dated
15.11.2017 passed in Cr. Misc. No. 41482 of 2017.

Petitioners are languishing in judicial custody since
07.06.2017 in connection with Sessions Trial No. 19 of 2018
arising out of Shrinagar (Pujahan) P.S. Case No. 34 of 2017 for
offences punishable under Sections 147, 148, 149, 341, 323, 324,
354, 354(C), 447, 379, 387, 504 and 506 of the Indian Penal Code.
Subsequently, charges have been framed under Section 302 I.P.C.

The prosecution case, as lodged by the informant, is



that while she was sitting along with her grand mother Most. Halkhori Devi, the petitioners along with other accused persons entered the house objected to the construction being carried out in the house and tried to outrage her modesty and also assaulted her grand mother on the back resulting in fracture who died during course of treatment.

It has been submitted by the learned counsel for the petitioners that they are innocent, there is property dispute between the parties and the deceased was 87 years old lady who was admitted in the hospital thereafter discharged and died natural death. He submits that the injury has been found on forearm and not at the back as per the postmortem report. He submits that they undertake to co-operate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners along with co-accused have assaulted the informant's grand mother.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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 learned 5th Additional Sessions Judge, Bettiah, West Champaran in connection with Sessions Trial No. 19 of 2018 arising out of



Shrinagar (Pujahan) P.S. Case No. 34 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.
- (2) 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)

Devendra/-

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