

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58963 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Pintoo Kumar
2. Dharamvir Kumar Both Sons of Ramnidhar Das @ Ramanidhi Das
Resident of Maniawan, P.S. Kako, District - Jehanabad.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP.
For the Informant : Mr. Ram Nibash Prasad, Adv.
: Mr. Madheshwar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 10-01-2018 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners seek bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 324,
307, 504 and 302 of the Indian Penal Code.

According to FIR for teasing a girl, occurrence took
place wherein specific allegation against the petitioners is that they
caused injury at the head of Dinesh Das with Garasa and Kulhari ,
as a result whereof, Dinesh Sah died. The postmortem would
reveal that the single injury at the head was found on the person of
Dinesh Das. Other injuries were on non-vital part of the body.

Learned counsel for the petitioners submits that the
petitioners are in custody since 13.02.2017, it is difficult to



attribute as to which of the petitioner had caused single head injury. Even if the allegation is assumed to be correct, it is not a case of intentional death rather a death due to sudden fight as such no offence under Section 302 I.P.C. is made out, at least for the purpose of this bail application.

Learned counsel for the informant opposed the prayer for bail on the ground that the petitioners are main assailants and from the jail they are threatening the prosecution to withdraw the case.

Considering the nature of allegation and period already undergone by the petitioners, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kako Police Station Case No.21 of 2017, subject to the condition that the petitioners shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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