

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39572 of 2018

Arising Out of PS. Case No.-269 Year-2017 Thana- KHAIRA District- Saran

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1. Sanjay Sah, Son of Late Rama Shankar Sah.
2. Vikash Sah, Son of Uma Shankar Sah. Both Residents of Village-
Tujarpur, Police Station- Khaira, District- Saran ... Petitioners
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioners : Mr. Gopal Pandey, Adv.
For the Opposite Party : Mr. Rajesh Kumar, APP48

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-09-2018 Heard the learned counsel for the petitioners and the
learned counsel appearing for the State.

Petitioners, who are languishing in judicial custody since 03.05.2018, seek bail in connection with Khaira P.S. Case No. 269 of 2017 for offence alleged under Section 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his father had gone for a morning walk, the petitioners, along with two, brutally assaulted his father by means of lathi due to which his father died on the spot.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been been falsely implicated because of land dispute and as both the parties are agnates. He submits that the post mortem report does not reveal any external injury on the deceased and cause of death was also



cardio respiratory failure as the informant's father was an old man, he died natural death and because of being inimical terms, the petitioners have been falsely implicated. He, further, submits that the charge sheet has already been submitted. He, further, submits that one of the similarly situated co-accused has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 10178 of 2018 vide order, dated 04.04.2018.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Khaira P.S. Case No. 269 of 2017 to the satisfaction of the learned Additional Chief Judicial Magistrate, X, Saran at Chapra.

(Nilu Agrawal, J)

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