

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63695 of 2018

Arising Out of PS. Case No.-63 Year-2018 Thana- TARIYANI CHOWK District- Sheohar

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1. Akhilesh Roy, Son of Nageshwar Roy
 2. Nageshwar Roy, S/o Late Siya Roy
 3. Bittu Roy, S/o Nageshwar Roy All residents of Village- Mahadeva, P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 06-12-2018

Heard learned counsel for the parties.

Petitioner Nos.1 and 3 seek bail in Tariyani P.S. Case No.63 of 2018 registered for the offence punishable under Sections 302, 307 and 323 read with Section 34 of the Indian Penal Code.

Informant alleged that on 06.05.2018, there was quarrel among female members of the family, on which all the accused persons including the petitioners variously armed came there and assaulted the informant and his family members. Akhilesh Roy and Bittu Roy are alleged to have assaulted with iron rod on the head of daughter-in-law of the informant. Later on, she succumbed to the injury.

It has been submitted on behalf of the petitioners that



they are innocent and have falsely been implicated in this case due to land dispute. It has been further submitted on behalf of the petitioners that the postmortem report does not corroborate the manner of occurrence as stated by the informant, as only one injury has been found on the occipital region of the deceased by the Doctor whereas allegation against the petitioners are to have assaulted upon the deceased by iron rods on her head. It has further been submitted that the petitioners have no criminal antecedent and petitioner nos.1 and 3 are in custody since 06.07.2018 and 04.07.2018 respectively.

Considering the aforesaid facts and circumstances of the case, let the Petitioner No.1, Akhilesh Roy and Petitioner no.3, Bittu Roy be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheohar in connection with Tariyani P.S. Case No.63 of 2018, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court and shall remain physically present



as directed by Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Sanjay/-

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