

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41441 of 2018

Arising Out of PS.Case No. -58 Year- 2012 Thana -ANGARGHAT District- SAMASTIPUR

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1. Dharam Das, S/o Mahendra Das,
2. Gango Das S/o Late Chattu Das,
3. Rahul Das S/o Upendra Das, All R/o Vill.- Dadhia Asadhar, P.S.-
Angarghat, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-07-2018

Heard the learned counsel for the petitioners and the

learned APP for the State.

Petitioners are languishing in judicial custody since 14.03.2018 in connection with Angarghat P.S. Case No. 58/2012 for offences alleged under Sections 302 and 120(B)/34 of the Indian Penal Code.

The prosecution case, as alleged by the informant, is that petitioners along with other named accused persons and 20-25 unknown persons came to her house in search of her son and resorted to abuse and broke number of household articles. Thereafter, she received information that her son has been killed by the petitioners and other accused persons, named in the F.I.R., because of an earlier dispute.

It has been submitted by the learned counsel for the



petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that the informant is not an eye-witness of the occurrence and the son of the informant had enmity with other co-villagers but the entire family of the petitioners has been made accused in the present case. Further he submits that some of the co-accused and family members of the petitioners have already been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 35316/2018 vide order dated 20.06.2018 and that the petitioners bear clean antecedent. It has further been submitted that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witness by the petitioners.

Learned APP for the State, however, opposes the prayer for bail.

Considering the aforesaid facts and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Dalsingsarai, Samastipur in connection with Angarghat P.S. Case No. 58/2012, subject to the conditions that:

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



(2) The petitioners will cooperate in the trial and be present 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.)

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