

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68485 of 2018

Arising Out of PS. Case No.-82 Year-2018 Thana- BHAPTIAHI District- Supaul

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1. Yogendra Sharma S/o late Fodar Sharma
 2. Bhutay Sharma @ Bhulay Sharma S/o late Fodar Sharma both are R/o Village- Bisanpur, P.S. Bhaptiyahi, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Ram Sumiran Roy

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 12-12-2018

Heard learned counsel for the parties.

Petitioners seek bail in Bhaptiyahi P.S. Case No.82/2018 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 447 and 302 of the Indian Penal Code.

Informant has alleged that while he was cultivating his field, 28 F.I.R. named accused persons came armed with Lathi, Danda and assaulted the informant and others as a result of which they sustained grievous injury and one of the injured Gulden Sharma died during the course of treatment.

It has been submitted on behalf of the petitioners that allegation against all the 28 F.I.R. named accused is general and omnibus. There is no specific allegation against the petitioners



of causing any specific injury upon any of the injured persons. It has further been submitted that there is land dispute between the parties. Petitioners have no criminal antecedent and they are in custody since 14.09.2018.

Counsel for the informant has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above 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., Supaul in connection with Bhaptiyahi P.S. Case No. 82 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the 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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