

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37555 of 2018

Arising Out of PS.Case No. -34 Year- 2017 Thana -SRINAGAR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Birendra Prasad @ Birendra Sah, S/o Harihar Sah,
 2. Jhagaroo Sah, S/o Hira Sah, Both resident of village- Bagahi,
Baghambarpur, P.S.- Shrinagar Pujaha, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Sri Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in connection with Shrinagar
(Pujahan) Police Station Case No. 34 of 2017 registered for
offences punishable under sections 147, 148, 149, 341, 323, 324,
354, 354 (C), 447 379, 387, 504 and 506 of the Indian Penal Code
(later on section 302 of the Indian Penal Code was added on
account of death of deceased after 24 days of alleged occurrence).

The allegation as per FIR is that when the informant
along with her grandmother was sitting at her house, this petitioner
along with other co-accused entered into her house and started
abusing. On raising protest, petitioner no. 1 assaulted the



informant by iron rod on her head. When the grandmother of informant came to rescue her, co-accused Vijay Sah also assaulted the grandmother of informant by lathi and petitioner no. 2 gave dagger blow.

It has been submitted that both the parties are neighbours and for land dispute, occurrence took place. Allegation of causing fracture injury is against Vijay Sah, who has been allowed bail in Cr. Misc. No. 12366 of 2018. The deceased died as natural death after 24 days of alleged occurrence. The doctor has mentioned cause of death due to anaemia, hypoproteinemia, toxemia and shock. The allegation of assault by the petitioner no.1 to the informant is omnibus and the doctor has found the injury as simple in nature caused by hard and blunt substance. Petitioner no. 2 allegedly caused injury by sharp weapon over right arm which is not vital part of the body. There is no repetition of blow. They are in custody since 15.03.2018 and 19.3.2018.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the



satisfaction of Chief Judicial Magistrate, Bettiah, West
Champaran in connection with Shrinagar (Pujahan) Police Station
Case No. 34 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Sanjay Kumar, J)

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