

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.68667 of 2018

Arising Out of PS. Case No.-131 Year-2012 Thana- MADHUBAN District- East Champaran

Banshraj Bhagat @ Vanshraj Prasad Sirauli S/o Dhanai Bhagat, resident of Village- Sirauli, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 17-12-2018

Heard learned counsel for the petitioner and the learned

APP for the State.

The petitioner seeks bail in Madhuban P. S. Case No. 131 of 2012 instituted for the offence under Section(s) 147,148, 149, 302, 307, 504, 506 of the Indian Penal Code.

Learned counsel for petitioner submits that there is case and counter case between the parties. It has further been submitted that Madhuban P.S. case no. 132 of 2012 was registered from petitioner's side ,wherein, one of the person has also died.

In the instant case, there is allegation that petitioner along with other accused persons assaulted the husband of the informant on account of which he fell down. Subsequently the husband of the informant and one Sipahi Sahani have succumbed to the injuries.

From the written report, it appears that all the FIR



named accused persons including this petitioner are alleged to have assaulted the husband of the informant and other persons. The informant has given her statement u/s 164 Cr. P.C. which is annexed as Annexure-2, wherein, she has stated that she could not see who had assaulted her husband. Similar, statement has been made by Neeta Devi wife of another deceased, namely, Sipahi Sahni that she could not see who had committed murder of her husband. The other co accused of this case has already been granted regular bail by co-ordinate Bench of this by order dated 12.12.2018 passed in Cr. Misc. no. 67711 of 2018.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM- IV, Motihari, East Champaran, in connection with Madhuban P. S. Case No. 131 of 2012 subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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