

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22051 of 2019

Arising Out of PS. Case No.-422 Year-2016 Thana- MUFFASIL District- West Champaran

1. BRIJESH KUMAR Son of Satrudhan Prasad Resident of Village - Harwatika Chowk Basant Vihar, P.S.- Muffasil Bettiah, Distt.- West Champaran.
2. Ajit Kumar Son of Saturdhan Prasad Resident of Village - Harwatika Chowk Basant Vihar, P.S.- Muffasil Bettiah, Distt.- West Champaran.
3. Amit Kumar Son of Saturdhan Prasad Resident of Village - Harwatika Chowk Basant Vihar, P.S.- Muffasil Bettiah, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-04-2019 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Bettiah Muffasil P.S. case no. 422 of 2016 instituted for the offence under Section(s) 341, 323, 324, 379, 504/34 of the Indian Penal Code. Later on Section 302 of the I. P. C. has been added

It is alleged in the written report that on 12.10.2016 while the informant had gone to bring his article from house the petitioners and other accused persons made demand of Rs. three lacks and locked his house from outside. The informant raised protest then they assaulted the informant with hammer



and also gave teeth bite in his hand and took Rs. 16,000/- from the pocket of the informant.

Learned counsel for petitioners submits that FIR has been lodged on 19.10.2016 for the offence U/s 341,323,324 and 379 of the IPC. Learned counsel for the petitioners has further submitted that petitioners were granted bail by the Court below by order dated 23.11.2016. It appears from the order dated 3.3.2017 of the Court below that Section 302 of the IPC has been added in the case on 18.11.2016 after death of the informant. Thereafter, on the basis of the petition filed by the wife of the deceased the bail bond of the petitioners were cancelled vide order dated 3.3.2017. Learned counsel further submits that informant got treatment in Gorakhpur Hospital from where report has been sent by C.M.O .Nehru Dispensary, Medical college, Gorakhpur to the officer in Charge Bettiah stating that deceased died due to respiratory failure on 18.11.2016. The death certificate has been issued to the family member of the deceased. The postmortem was held in Bettiah hospital which has been annexed as Annexure-5 to the bail petition, wherein several viscerae have been preserved and after FSL report (Annexure-6) it has come that no metallic, Alkaloidal, Glycosidal, Pesticidal and volatile poison could be



detected in the contents of all the five glass jar as described above.

Petitioners are in custody since 13.2.2019.

Considering the aforesaid, let the petitioners, above named, be released 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 the C.J.M. at Bettiah West Champaran, in connection with Bettiah Muffail P.S. case no. 422 of 2018 subject to the condition that both the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J)

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