

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20982 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

-
1. RAMA KANT SADA, son of Mantun Sada,
 2. Rauki Sada, son of Mantun Sada,
 3. Baleshwar Sada, son of Baldeo Sada,
 4. Thithar Sada, son of Rameshwar Sada, all resident of village- Kunj Bhawan,
P.S.- K. Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21437 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

-
1. BHIM SADA, son of Mantun Sada,
 2. Ram Ugahi Sada @ Ram Uchai Sada, son of Mantun Sada,
 3. Ram Dayal Sada, son of Rajo Sada,
 4. Ram Ratan Sada, son of Rameshwar Sada, and
 5. Rajo Sada, son of Late Ghuran Sada, all resident of village- Kunj Bhawan,
Police Station- K. Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20982 of 2019)

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 21437 of 2019)

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 29-05-2019

Heard learned counsel for the petitioners and learned



APP for the State.

Petitioners seek bail in **Sessions Trial No.265 of 2018 (Cr. Misc. No.20982 of 2019) / Sessions Trial No.450 of 2018 (Cr. Misc. No.21437 of 2019) arising out of Kusheshwar Asthan P.S. Case No.20 of 2018** instituted for the offence under Section(s) 302 and other allied sections of Indian Penal Code.

It is alleged in the written report that on the date of occurrence all these petitioners surrounded the father of the informant. It is further alleged that petitioner, Bhim Sada, (petitioner No.1 of Cr. Misc. No.21437 of 2019) assaulted the father of the informant with iron rod indiscriminately. Thereafter, other accused persons also assaulted with lathi. Father of the informant fell down. It is further alleged that other accused assaulted with bricks, stones etc. Subsequently, his father was taken to hospital in unconscious stage where he died during course of treatment.

Case diary has been received, wherein, postmortem report is available, in which doctor has found one stitched wound measuring 2” in length with two stitches over right side posterior part of parietal region of skull, which was opined to be grievous in nature.

Counsel for the petitioner submits that there is



allegation that all the accused persons have assaulted, but only one injury has been found on the person of the deceased.

From perusal of First Information Report, it appears that there is allegation against Bhim Sada (petitioner No.1 of Cr. Misc. No.21437 of 2019) of causing injury to father of the informant with iron rod, which gets support from the postmortem report.

In view of such, this Court is not inclined to grant bail to petitioner No.1, Bhim Sada, (Cr. Misc. No.21437 of 2019). His prayer for bail is **rejected**.

So far other petitioners are concerned, there is general and omnibus allegation against them.

In the facts and circumstances of the case, prayer of the rest petitioners for grant of bail is allowed except petitioner No.1, Bhim Sada, (Cr. Misc. No.21437 of 2019). Let the petitioners, above named, except petitioner No.1, Bhim Sada, (Cr. Misc. No.21437 of 2019) 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 **Additional Sessions Judge-II, Benipur, Darbhanga**, in connection with **Sessions Trial No.265 of 2018 (Cr. Misc. No.20982 of 2019) / Sessions Trial No.450 of 2018 (Cr. Misc. No.21437 of 2019)**



arising out of Kusheshwar Asthan P.S. Case No.20 of 2018,
subject to the condition that both the bailors shall be close
relative of the petitioners.

(Sanjay Priya, J)

J. Alam/-

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