

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30522 of 2019

Arising Out of P.S. Case No.-743 Year-2014 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. SHASHI RANJAN PANJIYAR @ SHASHI PANJIYAR, aged about 42 years, Male, Son of Yogendra Panjiyar R/o Village- Manik Chauk, Kamaldah Tola, P.S.- Runnisaidpur, District- Sitamarhi.
 2. Rupesh Ranjan Panjiyar @ Nitish Panjiyar @ Rupesh Panjiyar, aged about 49 years, Male, Son of Yogendra Panjiyar R/o Village- Manik Chauk, Kamaldah Tola, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioners

Versus

1. THE STATE OF Bihar
2. Shushila Devi Wife of Late Badri Sah R/o Manik Chauk, Kamaldah, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Ashok Kumar Jha, Advocate
For the Opposite Parties : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-09-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. It appears that a fardbeyan of one Sushila Devi (Opposite Party No.2) was recorded with an allegation that on 23.06.2013 at about 6 A.M. her husband Badri Sah went to cut *Semar* tree in Dhanahra Sareh and when he did not return for taking meal, the Opposite Party No.2 sent her son Vishal aged



about 12 years to see his father. It is further stated that on return, his son informed her that his father is dead and further with the help of villagers, his dead body was brought to home. It was further alleged that Dr. Yogendra Panjiyar who had some dispute with the deceased (Badri Sah) might have killed her husband.

4. On the basis of the aforesaid fardbeyan by Opposite Party No.2, Runnisaidpur P.S.Case No.204 of 2013 was registered under section 302 of the Indian Penal Code. After investigation, police submitted final form exonerating the said Dr. Yogendra Panjiya showing mistake of fact on 15.11.2013 and thereafter Opposite Party No.2 filed a protest petition on 26.11.2013 and wherein she alleged that these two petitioners along with his father were seen assaulting her husband. On the basis of aforesaid protest petition, cognizance was taken on 06.06.2018 against these two petitioners.

5. It is submitted on behalf of the petitioners that both the petitioners have falsely been implicated in this case due to land dispute with the Opposite Party No.2 (Sushila Devi). It is further submitted that the postmortem report goes to show that the deceased died due to injury caused by hard and heavy blunt substance whereas the protest petition, the allegation of assault



is by an axe. It is further submitted that complainant on solemn affirmation on oath has stated that co-accused Yogendra Panjiyar has assaulted by an axe whereas two petitioners were assaulted the deceased by *lathi*. The aforesaid fact was narrated to her by her son. In paragraph-5, Opposite Party no.2 stated that she has seen the entire occurrence whereas in paragraph no.6, she has stated that by the time she reached at the place of occurrence, the occurrence was over. Petitioners have got no criminal antecedent.

6. Considering the facts aforesaid, let the petitioners above named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist Sitamarhi/successor Court in connection with Complaint Case No.743 of 2014 arising out of Runnisaidpur P.S.Case No.204 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the



bail bonds of the petitioners.

(Prabhat Kumar Singh, J)

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