

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2009 of 2020

Arising Out of PS. Case No.-257 Year-2019 Thana- MOKAMAH District- Patna

-
1. MANOJ SAW @ MANOJ KUMAR Son of Late Anandi Saw Resident of Village - Shivnar, P.S.- Mokama, District - Patna.
 2. Lalan Saw Son of Late Anandi Saw Resident of Village - Shivnar, P.S.- Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-03-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Mokama P.S. Case No. 257 of 2019, registered for the offence punishable under Sections 302 /34 of the Indian Penal Code.

The allegation is regarding the co-accused person, namely, Fantus Saw having caught the father of the informant, when quarrel had broken out with regard to a mango tree being claimed to be situated in the land of the father of the informant and the accused persons claiming that the same was situated in their land, whereafter the co-accused



person, namely, Anoj Saw had hit the father of the informant on his head by an iron rod resulting in the father of the informant falling down on the ground and then, the other accused persons including the petitioners are stated to have assaulted him by lathi and rod.

The learned counsel for the petitioners has submitted that initially, the first blow on the head of the father of the informant, by iron rod, is alleged to have been given by the co-accused person, namely, Anoj Saw and the same also stands corroborated from the postmortem report inasmuch as the postmortem report shows the cause of death of the father of the informant to be head injury. It is thus submitted that the death of the father of the informant is not attributable to the overt act, if any, alleged to have been indulged in by the petitioners.

The learned counsel for the informant has opposed the prayer for bail and has submitted that the postmortem report would show that there are several injuries on the person of the father of the informant, however, he submits that in case, this Court is inclined to grant the privilege of regular bail to the petitioners, they be directed to appear on each and every date, so fixed, before the learned court below.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners as also taking into account the fact that the cause of death has been found to be head injury, in the postmortem report, and the fatal blow is alleged to have been inflicted by the co-accused person, namely, Anoj Saw on the head of the father of the informant, by an iron rod, and not by the petitioners herein, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IVth, Barh, Patna in connection with Mokama P.S.Case No. 257 of 2019.

It is needless to state that the petitioners shall appear on each and every date, so fixed by the learned trial court.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

