

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10847 of 2020

Arising Out of PS. Case No.-275 Year-2019 Thana- BHARGAMA District- Araria

1. Rekha Devi Wife of Umesh Ram, Resident of Village - Haripur Kala, Ward No.- 9, P.S.- Bhargama, Dist.- Araria
2. Shubhankar Ram Son of Palakdhari Ram @ Palku Ram, Resident of Village - Haripur Kala, Ward No.- 9, P.S.- Bhargama, Dist.- Araria
3. Phulo Ram @ Phuleshwar Ram Son of Parmeshwar Ram, Resident of Village - Haripur Kala, Ward No.- 9, P.S.- Bhargama, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-02-2020 Heard both sides.

Petitioners seek bail in Bhargama P.S. Case No.275 of 2019 registered under Sections 302 and 34 of the IPC.

The mother of the deceased disclosed that she got information about the dead body of her son lying in the police station. When the informant went there, she came to know that Rekha Devi cried ‘thief-thief’, on such, many villagers, namely, Shubhankar Ram, Dularchand Ram @ Phulo Ram, Rajesh Mandal, Maharavi Mandal, Mantu Mandal, Lalo Mandal and others indiscriminately assaulted her son on the allegation of being thief and caused his death on the spot.



Learned counsel for the petitioners submits that the petitioners are residents of village Haripur Kala, P.S. Bhargama, District-Araria. The deceased was resident of Sindhiyan, P.S. Bhawanipur, District Purnea. The deceased had come in the village of the petitioners to commit theft but the villagers caught and assaulted him resulting in the death of the deceased. Later on, the police came and took the dead body of the deceased.

Having considered the facts that the informant is not an eye witness of the occurrence and she on the basis of hearsay statement made against the petitioners that they assaulted her son on the allegation of being a thief, the petitioners named above are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(rupees ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria in connection with Bhargama P.S. Case No.275 of 2019.

(Prabhat Kumar Jha, J)

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