

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73219 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- PRATAPGANJ District- Supaul

1. DEVENDRA LAHOTIA Son of Mahendra Lahotia Resident of Village - Pratapganj (Bhawanipur), P.S.- Pratapganj, District – Supaul.
2. Radheshyam Lahotia Son of Mahendra Lahotia Resident of Village - Pratapganj (Bhawanipur), P.S.- Pratapganj, District – Supaul.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Thakur, Advocate. Mr. Nilesh Kumar, Advocate. Mr. Pravin Kumar, Advocate.
For the State	:	Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Pratapganj P.S. Case No.07 of 2019 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 and, later on, added Section 302 of the Indian Penal Code.

The accusation is that 1 Bigha 14 Katha land of Plot No.3766 was purchased by Rajendra Lahotia from Bindeshwari Nath. Later on, Rajendra Lahotia gave the possession of half land of the said purchased land to his brother Jogendra Lahotia, executing the bond. On 01.02.2019, due to that land, quarrel



took place in between Mahendra Lahotia, son of Rajendra Lahotia, and Jogendra Lahotia. Thereafter, as usual, on the next day, Jogendra Lahotia moved for Satsang Bhawan, Sudiary and when he was returning from there, then, in the way, Mahendra Lahotia, Pappu Lahotia, Devendra Lahotia (petitioner no.1) Radheshyam Lahotia (petitioner no.2), Luxmi Kumari, Mamta Kumari and Dhobiya Devi attacked on him through lathi, Farsa, Ballam and Bhala due to which he sustained injury. Thereafter, Jogendra Lahotia was rushed to the police station from where he was referred for treatment to Darbhanga, where he died.

Learned counsel appearing on behalf of the petitioners submits that, in fact, civil suit is going on between the deceased and the petitioners' side, due to that reason, the petitioners and others have falsely been implicated in this case on mere suspicion. No one had seen the occurrence. While there is allegation against the petitioners and others to cause injury to Jogendra Lahotia through lathi, Farsa, Ballam and Bhala but no Bhala injury was found in the post-mortem examination of the deceased. The petitioner no.1 is in custody since 13.05.2019, whereas the petitioner no.2 is in custody since 07.05.2019. Further submission is that the co-accused Mahendra Lahotiya and Pappu Lohatiya have already been granted the privilege of



bail by a Bench of this Court vide order dated 19.11.2019 passed in Criminal Misc. No.47639 of 2019 with Criminal Misc. No.64406 of 2019.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Birpur (Supaul), in connection with Pratapganj P.S. Case No.07 of 2019.

(Rajendra Kumar Mishra, J)

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