

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13976 of 2021

Arising Out of PS. Case No.-342 Year-2015 Thana- JAYNAGAR District- Madhubani

1. Ram Sagar Sah Male, aged about 41 years, S/o Late Mahvir Sah R/o Village- Dulipatti, P.S. - Jaynagar, District - Madhubani.
2. Bhola Sah @ Ramashish Sah Male, aged about 41 years, S/O Yaduvir Sah R/o Village- Dulipatti, P.S. - Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 01-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Jaynagar P.S. Case No. 342 of 2015 (G.R. No. 3364 of 2015), registered for the offence under Section 302/34 of the Indian Penal Code.

As per the prosecution case, on 23.12.2015, when father of the informant had gone to attend the call of nature, he was surrounded by petitioners and other FIR named accused persons and thereafter, was assaulted by fists & slaps, as a result of which, on way to hospital, the father of the informant died.

It is submitted on behalf of petitioners that FIR has been lodged after a delay of three days and there is no plausible



explanation for the same. There is general & omnibus allegation of assault and no specific overt act has been alleged against these petitioners. There is land dispute between the parties. Similarly situated co-accused namely Jagdish Sah has already been granted bail by a coordinate Bench of this Court, vide order dated 08.06.2020 passed in Cr.Misc. No. 6153 of 2020. Petitioners are in custody since 24.09.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as the fact that no overt act has been alleged against these petitioners and similarly situated co-accused has already been granted bail by this Court, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned S.D.J.M., Madhubani in connection with Jaynagar P.S. Case No. 342 of 2015, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason,



their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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