

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12733 of 2021

Arising Out of PS. Case No.-33 Year-2020 Thana- NAURANGIA District- West Champaran

1. NANDLAL DHANGAR, S/o Late Dukhi Dhangar
2. Lalji Dhangar, S/o Bhan Dhangar
3. Bhabhiti Dhangar @ Bhabhuti Dhangar @ Bhabiti Dhangar, S/o Late Bhola Dhangar
4. Rogi Dhangar @ Rogi Dhangad, S/o Late Pahun Dhangar
All Resident of Village - Belahawa, Ward No. - 5, P.S. - Naurangia, Distt. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-09-2021 Heard the parties in virtual Court.

Petitioners seek bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The petitioners committed house trespass and assault with *lathi* etc. against the husband of the informant on 08.05.2020. The husband of the informant died on 13.05.2020. Thereafter, FIR was lodged. In the FIR, it is itself mentioned that due to poverty, the informant could not ensure proper treatment of her husband at any hospital.

Learned counsel for the petitioners submits that there is delay in lodging of the FIR only after death of the victim, who



was mentally derailed, and he might have sustained injury by fall and, just due to enmity, false allegation has been levelled.

Other witnesses have supported the allegation against the petitioners during investigation of the case. The Doctor has found consistent head injury which was cause of death. When several persons are committing assault, it would be difficult to individualize as to who had caused injury at what part of the body.

Considering the nature of allegation against the petitioners, I am not inclined to enlarge them on bail in connection with Naurangia P.S. Case No. 33 of 2020 pending in the Court of learned Judicial Magistrate, 1st Class, Bagaha, District West Champaran.

Hence, prayer is refused.

Learned Trial Court is directed to expedite the trial of the case.

If the trial would not conclude within a period of one year, the petitioners would be at liberty to renew the prayer for bail.

(Birendra Kumar, J)

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