

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34624 of 2020

Arising Out of PS. Case No.-152 Year-2020 Thana- PAHARPUR District- East Champaran

1. Prabhu Patel, male, aged about 60 years, S/o Late Vanshi Patel, R/o Village-Saraiya Chitha, P.O.- Saraiya Bazar, P.S.- Paharpur, District- East Champaran (Motihari).
2. Neeraj Patel, male, aged about 21 years, S/o Prabhu Patel, R/o Village-Saraiya Chitha, P.O.- Saraiya Bazar, P.S.- Paharpur, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Adv.

For the Informant : Mr. Arun, Adv.

For the State : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 10-02-2021 Heard Mr. Apurv Harsh, learned Advocate for the

petitioners and Mr. Arun, learned counsel for the informant.

The State is represented by Mr. Yogendra Kumar, learned

APP.

The petitioners seek bail in connection with

Paharpur P.S. Case No. 152 of 2020, dated 04.05.2020,



instituted for the offences under Sections 341, 323, 324, 302, 307, 504 and 34 of the Indian Penal Code.

The accusation in the First Information Report is that on the suspicion against the wife of the informant practicing witchcraft, the petitioners and others tried to administer faeces in her mouth. When this was protested by the informant, he and his son were assaulted. Later, two other persons are said to have assaulted the deceased. The deceased died after a day of the occurrence.

Learned counsel for the petitioners has submitted that though they have been named in the F.I.R. along with other accused persons but the cause for falsely implicating him is also not far to seek.

The petitioners are the co-brothers of the informant and there is a dispute between them with respect to a parcel of land. Apart from this, it has been submitted that the petitioners have not been alleged to have assaulted the deceased. The fatal assault is attributed to other accused persons.

The *postmortem* report reveals that the deceased



died of one head injury, which is not attributable to the petitioners.

The petitioners are stated to be in custody since 05.05.2020.

Considering the aforesaid circumstances and the period of custody of the petitioners, they are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Motihari, East Champaran in connection with Paharpur P.S. Case No. 152 of 2020.

However, it is cautioned that the petitioners shall not tamper with the evidence or threaten or intimidate the informant or other witnesses of this case. They shall not do anything to impede the pace of trial. Should they be found doing so, their bail would be rendered liable to be cancelled.

(Ashutosh Kumar, J)

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