

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2442 of 2021

Arising Out of PS. Case No.-606 Year-2019 Thana- HILSA District- Nalanda

1. Rudal Jamadar S/O Baleshwar Jamadar R/O Village - Bhurkur, P.S. - Hilsa, District - Nalanda.
2. Baleshwar Jamadar S/O Late Dhurkheli Jamadar R/O Village - Bhurkur, P.S. - Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar
For the Opposite Party/s	:	Mr. Nityanand
	:	Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 14-07-2021 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Hilsa P.S. Case No. 606 of 2019 registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case is that brother of the informant was standing before the gate of house of *Nanhu Jamadar*. At that time the petitioners started lying delivery pipe forcefully in the mustard field of the informant's brother and on opposing to not to do so since all the crop will get damaged both the petitioners started assaulting informant's brother as a result of which he died.



It is submitted by learned counsel for the petitioners that petitioners are falsely implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that there is no eye witness in the present case. The allegation levelled against the petitioners are not specific rather general and omnibus in nature. The petitioners have no criminal antecedent as has been mentioned in para 3 of the bail petition and they are languishing in custody since 29.02.2020.

Learned APP for the State and learned counsel for the informant vehemently opposed the bail petition submitting that the petitioners are named in the F.I.R. and there is direct allegation against the petitioners. They also submitted that the witnessess have supported the prosecution case and on perusal of the *post mortem* report it shows that cause of death of the deceased is Asphyxia due to Throatling.

In the facts and circumstances of the case and considering the fact that there is direct allegation against the petitioners, I am not inclined to enlarge the petitioners on bail in connection with Hilsa P.S. Case No. 606 of 2019 to the satisfaction of Additional Chief Judicial Magistrate – Ist, Hilsa (Nalanda).

Accordingly, the bail application is hereby dismissed.

(Anjani Kumar Sharan, J)

GAURAV S./-

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