

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43593 of 2021

Arising Out of PS. Case No.-542 Year-2020 Thana- MAJHAULIA District- West Champaran

1. MADAN NAT S/o Late Nara Nat Resident of Village- Amwa Man Bazar, Nat Toli, (Sanuwariya), Ward No. 07, P.S.- Majhauria, District- West Champaran.
2. Rudal Nat S/o Bagad Nat Resident of Village- Amwa Man Bazar, Nat Toli, (Sanuwariya), Ward No. 07, P.S.- Majhauria, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-04-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Majhauria P.S. Case No. 542 of 2020, for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 302 of the Indian Penal Code.

The prosecution story, in brief, is that all the accused persons named in the F.I.R., including the petitioners, came at the door of the informant and started abusing him to which informant had protested. The co-accused Bagar Nat and petitioner Madan Nat (Petitioner No.1) started assaulting the informant with lathi. Rudal Nat (Petitioner No.2) inflicted farsa



on the head of Dharmendra Nat. Wife of informant namely Saraswati Devi was assaulted by all the accused persons indiscriminately with Lathi and succumbed to injuries on the spot. In course of the said incident, the son of informant namely Sanjay Nat and Mannu Nat were also assaulted while they tried to save their father by co-accused Jali Nat who had given Bhala blow. Madan Nat assaulted Sanjay Nat by Lathi due to which his right finger fractured.

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against all the accused named in the F.I.R. in which four accused persons namely, Bagar Nat @ Bagad Nat @ Bhuwar Nat, Jali Nat, Santosh Nat and Vishundeo Nat have already been enlarged on bail vide order dated 07.09.2021 passed in Criminal Miscellaneous No. 23517 of 2021 as such all the petitioners deserve to be released on bail on the ground of parity as against them also there is general and omnibus allegation of commission of murderous assault on the victim Saraswati Devi. The Doctor had not found any external injury on the person of deceased. The other co-accused namely Sukat Nat, Jhunjhun Nat, Mrituja Nat @ Murtuja Nat and Vikash Nat have already been enlarged on bail by this court vide order dated 10.03.2022.



The petitioners are in custody since 07.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having perused the case diary, the witnesses in course of investigation have not made any specific allegation against the petitioners that the petitioners, above named, assaulted the victim by means of Lathi and danda which was fatal causing death of the victim on the spot. There is general and omnibus allegation made against the petitioners. The other accused namely Sukat Nat, Jhunjhun Nat, Mrituja Nat @ Murtuja Nat and Vikash Nat have already been released on bail by this Court vide order dated 10.03.2022. The petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauria P.S. Case No. 542 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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