

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36777 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

1. Dipu Sada Son of Ratan Sada, Resident of Village - Kanki Musahari, P.S.- Ghanshyampur, District - Darbhanga.
2. Bhagwan Sada Son of Ratan Sada, Resident of Village - Kanki Musahari, P.S.- Ghanshyampur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40814 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

Ghuran Sada @ Ghurat Sada Son of Bauan Sada R/o- Vill- Kanki Musahari, P.S.- Ghanshyampur, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36777 of 2022)

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mrs. Meena Singh, APP.

For the Informant : Mr. Pankaj Kumar Jha, Adv.

(In CRIMINAL MISCELLANEOUS No. 40814 of 2022)

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mrs. Meena Singh, APP.

For the Informant : Mr. Pankaj Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 01-12-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners, learned A.P.P. for the State as well as learned counsel for the informant.

The petitioners seek regular bail in connection with S.T. No.260 of 2021 arising out of Ghanshyampur P.S. Case No. 71 of 2021, lodged under Sections 302/34 of the Indian Penal

Code.

As per prosecution case, the informant has alleged in the F.I.R. that his son and the daughter of his co-villager fell in love since long. On 31.03.2021 at about 6 pm they were going *Badahi*, in the mean time the brother of Inar Kumari caught the son of informant and assaulted him, due to which he died in the night.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that antecedent of petitioners are clean. He also submits that petitioners of Cr. Misc. No. 36777 of 2022 are in custody since 15.06.2021 and petitioner of Cr. Misc. No.40814 of 2022 is in custody since 20.04.2021. Learned counsel for the petitioners further submits that there is no eye witness of the said occurrence, only on the basis of suspicion their names have been figured in this case. Learned counsel further submits that charge sheet has already been filed in this case and no purpose shall be served continuing the petitioners in custody.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that specific allegation

against the petitioners that they assaulted the son of informant, due to which the son of informant died. He further submits that charge has been framed and all the prosecution witnesses were examined except one.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II, Benipur (Darbhanga) in connection with S.T. No.260 of 2021 arising out of Ghanshyampur P.S. Case No. 71 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Learned Trial Court is directed to expedite the trial within 3 months.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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