

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54793 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- LAURIA District- West Champaran

1. Rnjan Dhangar @ Rajan Danger @ Ranjan Dhangar, S/O Late Manju Dhangar, R/O Village- Matiyaria, Dhangar Toli, P.S- Lauriya, District-West Champaran.
2. Kanhai Dhangar @ Khanhai Dhangar, S/O Late Manju Dhangar, R/O Village- Matiyaria, Dhangar Toli, P.S- Lauriya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-05-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Lauriya P.S. Case No. 105 of 2020 for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 30.07.2020 all the accused persons including these petitioners assaulted her husband with fists, slaps and leg due to quarrel



among the children, as a result her husband sustained injuries. It is further alleged that the informant was not taken her husband to anywhere for treatment and gave some medicines, but his conditions could not be improved and on 06.08.2020 she took her husband to Bettiah Medical College where he died, during course of treatment.

It is submitted on behalf of the learned counsel for the petitioners that though the occurrence has taken place on 30.07.2020, but the present F.I.R. has been instituted on 07.08.2020, after a delay of eight days. It is also submitted that there is general and omnibus allegation against the petitioners of assaulting the deceased with fists and slaps. It is also submitted that had the husband of the informant got immediate treatment, he would have certainly survived, but because of the negligence on the part of the family members, the husband of the informant later on died in absence of proper treatment. It is lastly submitted that these petitioners having no criminal antecedent are in custody since 23.09.2020.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is



general and omnibus allegation against the petitioners of assaulting the deceased with fists and slaps and the occurrence, which is said to have taken place on 30.07.2020, the F.I.R. has been instituted on 10.08.2020 on the fardbeyan of the informant, recorded on 07.08.2020. This Court also finds substance in the submissions of the learned counsel for the petitioners that had the husband of the informant got proper treatment, he would have certainly survived. Further, from the post-mortem report also it appears that the deceased had sustained blood clot on occipital region of the brain and except that there was no other external injuries, apart from this, the petitioners are having no criminal antecedent and are in custody since 23.09.2020 and there is no allegation of tampering with the evidence and intimidating the witnesses, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 105 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the



trial. (ii) They will remain present on each and every date of trial till disposal of the case. (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be automatically cancelled.

(Harish Kumar, J)

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