

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67508 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- JADOPUR District- Gopalganj

1. Lalu Sahani @ Lalu Shani, Son of Achchelal Sahani @ Akshaylal Sahani
Resident of Village - Bairiya, P.S. - Jadopur, District - Gopalganj.
2. Mintu Sahani @ Mintu Shani, Son of Achchelal Sahani @ Akshaylal Sahani,
Resident of Village - Bairiya, P.S. - Jadopur, District - Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Yadopur/Jadopur P.S. Case No. 70 of 2020 registered for the alleged offences under Sections 341, 323, 302, 504 and 506/34 of the Indian Penal Code.

As per prosecution case, the petitioners and other co-accused persons armed with *lathi*, *danda* and iron rod came to the house of the informant and assaulted the father of the



informant. Allegation against the petitioners are that they assaulted the father of the informant with *lathi* and iron rod indiscriminately causing fracture of the head of the father of the informant. Informant and his uncle were also assaulted when they tried to rescue him. Father of the informant died during his treatment in the hospital.

The learned counsel for the petitioners submits that the prosecution story is false and concocted and the petitioners have been falsely implicated. There is long standing dispute between the petitioners and the informant who are co-villagers. The father of the informant died accidentally due to slip by hitting his head on hard concrete floor and taking advantage of this fact, the informant falsely implicated the petitioners and his family members due to previous enmity. The falsity of the allegation is also apparent from the post mortem report which shows no external injuries on the body of the deceased. Though allegation against the petitioners is that they indiscriminately assaulted the deceased by means of *lathi* and iron rod, only a swelling was found present on right parietal region. If the deceased were assaulted indiscriminately, obviously there would have been other injury marks from this assault. Other co-accused persons have been granted bail vide order dated



05.04.2021 passed in Cr. Misc. No. 34854 of 2020 by a Co-ordinate Bench. The petitioners are in custody since 11.08.2021 and 12.08.2021, respectively. The petitioners have no criminal history. Learned counsel further submits that charge-sheet has been submitted and the charges are yet to be framed.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioners that they assaulted the father of the informant causing his death.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury as alleged on the deceased and attributed to the petitioners as reflected from the post mortem report, their clean antecedent, period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with Yadopur/Jadopur P.S. Case No. 70 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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