

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15659 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- SAHIYARA District- Sitamarhi

1. RIKASH RAM S/o Yogendra Ram Resident of Village-Jalasi ward No.-1, P.S.-Sahiyara, Dist.-Sitamarhi
2. YOGENDRA RAM S/o Late Ruplal Ram Resident of Village-Jalasi ward No.-1, P.S.-Sahiyara, Dist.-Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar
For the Informant/s	:	Mr. Abu W.
For the State	:	Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioners seek regular bail in connection with Sahiyara P.S. Case No. 106 of 2022 registered for the offence under Sections 302/34 of the Indian Penal Code.

As per prosecution case, the informant alleged that on 16.8.2022 his brother namely, Amindra Ram was at his house, meanwhile, the accused persons including the petitioners came and started assaulting him by putting *Gamcha* around his neck. It is said that informant's brother was died during course of treatment.

Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted vide para-10 of the petition that the alleged occurrence has been taken place on 16.8.2022 at 7:00 PM and as per FIR shortly the injured died and dead body has been received in hospital on 17.8.2022 at 11:30 AM for postmortem and after delay the *fardebayan* of the informant was recorded. The informant himself admitted that he has made his fardebayan after postmortem has been over. From perusal of FIR as well as case diary, no specific overt-act attributed against the petitioners rather general and omnibus allegations leveled against them. The petitioners have got no criminal antecedent as stated in para-3 of the petition. It is further submitted that the petitioners are languishing in judicial custody since 2.11.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioners, this court is inclined to enlarge them on bail. The above named petitioners are directed to be released on bail in connection with Sahiyara P.S. Case No.



106 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi.

(Sunil Kumar Panwar, J)

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