

Arising Out of PS. Case No.-142 Year-2014 Thana- BHARGAMA District- Araria

... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with Bhargama P.S. Case No.142 of 2014 registered for the offence under Section 304/34 of the Indian Penal Code.

3. The accused/petitioners are not named in the F.I.R. and are in custody since 27.03.2023.

4. Allegation against both petitioners, as per FIR, that on intervening night of 7th September, 2014 at about 12:30 AM, alongwith 200-250 unknown persons assaulted one person by using *lathi*, *danda*, etc., who later on died, where, said person was alleged to involved in theft of buffalo.



5. Learned counsel appearing on behalf of the petitioners submitted that petitioners are not named in FIR and their name surfaced, during course of investigation, on the basis of statement of father of the deceased, without having any cogent materials. It is submitted that even the informant, who is the local S.I., is also not appearing eye-witness of the occurrence, who arrived at the place of occurrence, subsequently, as it appears from bare perusal of FIR, itself. It is further pointed out that as occurrence took place in front of house of these petitioners, they have implicated with present case. While concluding the argument, it is submitted that both petitioners are men of clean antecedents and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of nature of allegation as regard to assault, which is very general and omnibus against both petitioners coupled with the fact that charge-sheet has already submitted, where, petitioners are in custody since



27.03.2023, let both petitioners, above named, are directed to be released on bail in connection with Bhargama P.S. Case No.142 of 2014 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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