

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60290 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- PALANWA District- East Champaran

1. Lotan Gaddi @ Lotan Gadi Son Of Puran Gaddi @ Puran Gadi Resident Of Village- Babueya, P.S. Palanwa, Distt- East Champaran
2. Akhtar Gaddi @ Akhtar Gadi Son Of Kalam Gaddi @ Kalam Gadi Resident Of Village- Babueya, P.S. Palanwa, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manjeet Kumar Mishra, Adv.
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Vijay Shankar Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-12-2023 Heard learned counsel for the petitioners, informant and learned APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Sections 147, 148, 341, 323, 307, 379, 504 of the IPC and later on added Section 302 of the IPC.

3. The allegation against the petitioners along with others is of brutally assaulted the grand-son of the informant leading to his death. It is further alleged that the accused persons also assaulted the family members of the informant.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They



have committed no offence. He submitted that there is general and omnibus allegation against the petitioner no. 2 and he is only a member of mob. There is no specific overt act against the petitioner no. 2. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are languishing in judicial custody for about nine months.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that the specific allegation of assaulting is against petitioner no. 1 due to which the informant's grand-son died.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner no. 2 namely, Akhtar Gaddi @ Akhtar Gadi on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran, Motihari in connection with Palanwa P.S. Case No. 49 of 2023.

7. So far as petitioner no. 1 is concerned, that there is specific allegation of assault by means of iron rod upon the head of the informant's grand-son is against him, due to



which he died. The postmortem report has also corroborated the prosecution case. During investigation several independent witnesses have specifically stated that the petitioner no. 1 assaulted the informant's grand-son by means of iron rod due to which he died, which has come in vide paras- 5, 17 and 39 of the case diary.

8. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner no. 1, namely, Lotan Gaddi @ Lotan Gadi on bail and, as such, his prayer for bail stands rejected.

9. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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