

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76876 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- BALIYA District- Begusarai

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1. MITHU @ VIKASH SAH @ MITHHU @ VIKASH son of Late Ram Prit Sah Village- Choti Ballia Upar Tola Ps- Ballia Dist- Begusarai
 2. Manoj Sah son of Late Ram Prit Sah Village- Choti Ballia Upar Tola Ps- Ballia Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioners 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, 149, 341, 323, 324, 504, 302 of the Indian Penal Code.

3. As per FIR, five accused persons arms with garasa, knife, scissors and iron rod, surrounded the son of the informant and started to abuse him. On pretext, they assaulted him



mercilessly thereafter he succumbed to injuries.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case due to old dispute. They have committed no offence. Informant is not the eye-witness of the alleged occurrence. Only on the basis of suspicion, the name of the petitioner has been dragged in the present case. Allegedly, there are five assailants including the petitioners but as per postmortem report, only two lacerated injuries over both side of parietal region of skull were present on the body of the deceased. Postmortem report does not corroborate the prosecution case. He further submitted that the other co-accused has already been granted bail by this Bench vide order dated 17.10.2023 passed in Cr. Misc. No. 61408 of 2023. They are languishing in judicial custody for about six months.

5. The application for bail is opposed by learned APP for the State.

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 petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, Begusarai in connection with Ballia P.S. Case No. 92 of 2023.

(Sunil Kumar Panwar, J)

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