

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81233 of 2023

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

1. SHATRUGHAN RAM @ SHATRUDHAN RAM son of Devnarayan Ram Village- Jalsi W.No-1, Ps- Sahiyara Dist- Sitamarhi
2. Madan Ram son of Ramashish Ram Village- Jalsi W.No-1, Ps- Sahiyara Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81238 of 2023

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

1. NAGENDRA RAM Son of Ramashish Ram R/o vill - Jalsi, ward no. 1, P.S. - Sahiyara, Distt. - Sitamarhi
2. Sajan Kumar @ Pintu Kumar Son of Nagendra Ram R/o vill - Jalsi, ward no. 1, P.S. - Sahiyara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81233 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

(In CRIMINAL MISCELLANEOUS No. 81238 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. 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.

3. 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.

4. 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-9 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 his dead body has been received in hospital on 17.8.2022 at 11:45 AM for postmortem but after delay the *fardbeyan* of the informant was recorded. The informant himself admitted that he has made his *fardebeyan* after postmortem has been over. It is also submitted that no specific overt-act attributed against the petitioners rather general and omnibus allegations leveled against them. The petitioners have got no criminal antecedent and languishing in judicial custody since 14.8.2023. Moreover, similarly situated co-accused persons have already been granted bail by this Court vide order dt. 18.7.2023 passed in Cr. Misc. No. 15659 of 2023 and in support of this Annexure-3 has been annexed with this petition.



5. Learned APP appearing for the state has vehemently opposed the prayer of regular bail.

6. 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 ADJ-XV, Sitamarhi.

(Sunil Kumar Panwar, J)

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