

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2737 of 2024

Arising Out of PS. Case No.-219 Year-2022 Thana- GAMAHARIYA District- Madhepura

1. Rahul Kumar Sah @ Rahul Kumar Son Of Vijay Sah Resident Of Village - Gamharia, Police Station - Gamharia, District - Madhepura
2. Vijay Sah Son Of Hareram Sah Resident Of Village - Gamharia, Police Station - Gamharia, District - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Gamharia P.S. Case No. 219 of 2022 dated 16.10.2022, lodged under Sections 147, 148, 149, 341, 323, 354, 307, 504 and 506 of the I.P.C. later on Section 302 has been added.

3. As per the prosecution case, the F.I.R. has been lodged against 8 named accused persons including the present petitioners against whom there is allegation that they with the help of other co-accused entered in the house of the informant and both the petitioners assaulted the informant. In the meantime, the other family members have reached, upon which

petitioner no. 1 has assaulted the son and grandson of the informant by iron rod. The allegation is also there that they have snatched jewellery, cash and also threatened the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that there is allegation in the F.I.R. against the petitioner no. 1 that he has hit the son and grandson of the informant by iron rod but there is no allegation of assault on the informant.

5. Learned counsel for the petitioners further submits that Section 302 of the I.P.C. has been added later on due to the death of the informant and in the rejection order, it is there that the death has been caused due to cardio respiratory arrest. He further submits that the petitioners are in custody since 29.08.2023 having clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that the allegation is there against the present petitioners that they have thrashed the informant, due to which she fell down and the cause of death as ascertained by the post-mortem report acknowledged in the rejection order that cardio respiratory arrest was due to abdominal injury.

7. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail

to the petitioners and, therefore, their bail petition is hereby rejected.

8. Liberty is hereby granted to the petitioners that they may renew their prayer for bail after framing of charge.

9. With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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