

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81596 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- Mufassil District- Khagaria

1. Rajesh Sah @ Rajesh Kumar Sah, Son of Sukhdev Sah, R/o- Ward No.- 13, Village- Sanhauli, Sonhauli, P.S.- Chitragupta Nagar, District- Khagaria, (Bihar) 851205
2. Bittu Sah @ Bittu Kumar, Son of Rajesh Sah @ Rajesh Kumar, R/o- Ward No.- 13, Village- Sanhauli, Sonhauli, P.S.- Chitragupta Nagar, District- Khagaria, (Bihar) 851205

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Roy, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Mufassil P.S. Case No. 87 of 2024 dated 21.07.2024, instituted for the offence punishable under Sections 103, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that on the alleged date of occurrence, the petitioners and another co-accused person called the husband of the informant and took him to Rako Chandra Nagar to cook food. They kept him in the house of Laddu Yadav till 20.07.2024 and brutally assaulted him due to which he succumbed to death. Thereafter the accused persons threw his



body on the road and fled away.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Learned counsel for the petitioners submits that the petitioners are *halwai* and the deceased was their helper and they used to worked together with mutual consent. The petitioners had no knowledge about the occurrence. Only for the reason that the petitioners and the deceased worked together, the informant has implicated the petitioners in the present case. During investigation, the prosecution witnesses do not support the allegation levelled against the petitioners. Learned counsel for the petitioners further submits that in paragraph nos. 30 & 31 of the case diary, the mother and the daughter of the deceased have clearly stated in their statement that Laddu Yadav and Pappu have assaulted the deceased. In paragraph no. 34, an independent witness, namely, Birju Yadav, who is the resident of the petitioners' village and also claims to be eye-witness to the occurrence, stated that Laddu Yadav and Pappu Yadav along with unknown persons assaulted the deceased. It is further submitted that the said independent witness is known to the petitioners who does not disclose the name of the petitioners. Learned counsel for the petitioners submits that post-mortem report reveals that there was some external injury on the body like bleeding from nose and near left eye, abrasion and



swelling below left eye, swelling right forearm, abraded and bruise present on scrotal sac on left side. As per the report, internal injuries are left testis lacerated Tunica sac contains blood and blood clots. Lastly, it has been submitted that the petitioner no. 1 is in custody since 27.07.2024 and petitioner no. 2 is in custody since 19.08.2024 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge IIIrd, Khagaria in connection with Mufassil P.S. Case No. 87 of 2024.

(Khatim Reza, J)

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