

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A.No. 8879 of 2014

1. Ram Nath Seth.
2. Raghunath Seth.
3. Atma Seth.
4. Rishi Seth.Petitioners

-Versus-

The State of Jharkhand.Opp. Party
With

B.A.No. 8891 of 2014

Nandu Seth.Petitioner
-Versus-
The State of Jharkhand.Opp. Party

CORAM: THE HON'BLE MR. JUSTICE D.N.UPADHYAY

For the Petitioners: M/s Gautam Kumar & Sanjay Kumar
Tiwari, Advocates.

For the State: A.P.P.

05/ 31.03.2015 Both the bail applications arising out of same F.I.R. are heard together and disposed of by this common order.

At the very outset, it is submitted that the petitioner no.4 does not want to press application for grant of bail.

In view of the submission, prayer for bail made on behalf of petitioner no.4 stands rejected as not pressed.

The petitioners are accused in a case registered under Sections 147/148/149/341/323/325/324/326/307/302/427 of the Indian Penal Code in connection with Nagar Untari P.S. Case No. 118/2014, corresponding to G.R.No. 1077/2014, pending in the Court of the S.D.J.M., Garhwa.

It reveals from the F.I.R. that the petitioners were in ambush from before and they were armed with deadly weapon like 'Bhala', 'Sword', 'Lathi' etc. As soon as the informant with his uncle came within the range, the accused persons started assaulting them. Somehow the informant managed to escape and informed the incident to his family members and other witnesses. The brother of the informant rushed to the place to save his uncle but the uncle Deonath Seth and brother Lalan Soni both were assaulted by the accused persons. After the incident, the injured were removed to hospital but Lalan Soni was declared dead.

It is submitted that specific allegation is against Ram Nath Seth, who gave fatal blow by means of Spear to Lalan Soni. Other accused persons have been implicated with the aid of Section 149 of the I.P.C.

Counsel for the informant as well as the State have

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opposed the prayer and submitted that witnesses examined in para 10 and injured examined in para 39 of the case diary have fully supported the prosecution case and named all the accused persons.

There is direct allegation that all the accused after forming unlawful assembly armed with deadly weapon in prosecution of their common object caused assault to the brother and uncle of the informant and the brother has succumbed to his injuries.

In the circumstances stated above, I do not feel inclined to release any of the petitioner on bail. Accordingly, prayer for bail made on their behalf stands rejected.

[D.N.Upadhyay,J.]

P.K.S.