

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are accused in G.R. Case No.320 of 2015 corresponding to C.T. Case No.16 of 2016 on the file of learned Additional sessions Judge, Padampur charge-sheeted under Sections 302/34, I.P.C.

The F.I.R. was lodged by one Subasini Deep that while she had been to take bath, hearing some sound she went near the spot and saw that while the victim one Narayan Podh was returning home on the road, seven accused persons including the present petitioners were assaulting him by means of axe, crowbar and sticks. When she tried to intervene, she was threatened by the accused persons, for which she came away and subsequently going there she found that the victim who happened to be her uncle, was lying dead. Originally the case was registered against seven accused persons, but subsequently charge sheet has been submitted against three accused persons including the present two petitioners.

It is submitted by learned counsel for the petitioner that the version of the informant in the F.I.R as well as in her statement so also in the statements of other eye witnesses are omnibus in nature that all the accused persons were assaulting the victim.

Learned counsel for the State placed before the court the confessional statement of the petitioner no.1 made before the Police wherein he has stated that while the petitioner no.2 was coming on the road, the deceased challenged him relating to some earlier dispute and putting down him on the road, sat upon him and assaulted. The petitioner no.2 was shouting for help and the petitioner no.1 in order to save him assaulted the victim by means of a stick but despite that the victim did not leave the petitioner no.2. At this one co-accused Madhu Bag came with an axe and repeatedly assaulted the victim on his head and leg and thereafter the petitioner no.2 also escaped from the clutch of the victim and assaulted him by means of a crowbar.

As per the post-mortem report, the victim sustained about seven to eight injuries and as per opinion of the doctor, the cut wound over parietal region which was fatal. The petitioners are in custody since 19.07.2015.

Considering the submissions and the circumstances, it is directed that let the petitioners be released on bail in the aforesaid case on such terms and conditions as would be deemed proper by the learned trial court.

The BLAPL is accordingly disposed of.

J.P.Das, J.