

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62422 of 2017

Arising Out of PS.Case No. -191 Year- 2017 Thana -DHURAIYA District- BANKA

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1. Ritu Raj Sah
2. Kailu Sah @ Dhanraj Sah Both sons of Bisnudeo Sah @ Ena Sah, Both residents of Village- Kushmi, Police Station- Dhoraiya, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-01-2018 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 22.09.2017 in connection with Dhoraiya P.S. Case No. 191 of 2017 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that petitioners' father was constructing a wall and on objection by the informant's father, accused persons nine in number, started assaulting the informant's father by means of stone and bricks, although they were armed with lathi-danda and pistol. As a result of the said injury, informant's father succumbed.

It is submitted by the learned counsel for the



petitioners that they are innocent, bear no criminal antecedent and there is no specific allegation against any of the accused or the petitioners. He submits that the deceased was an old man, who died due to cardio respiratory failure and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel appearing on behalf of the informant and the learned A.P.P. for the State oppose the prayer for bail stating therein that all the accused persons including the petitioners have done to death the informant's father.

Considering the facts and circumstances and the materials on record, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Banka in connection with Dhoraiya P.S. Case No. 191 of 2017, subject to the following conditions:

- (1) Both the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.



(2) The petitioners will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J.)

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