

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1252 of 2015

Arising Out of PS.Case No. -170 Year- 2014 Thana -GORICHAK District- PATNA

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1. Uday Singh Son of Ram Swarath Singh, Resident of Village - Daulatpur,
Police Station - Gaurichak, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Pushpa Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 17-04-2015

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as also heard learned
counsel, appearing for the informant.

It would appear from perusal of the materials,
available in the case diary that the deceased was in love with one
Khushboo Kumari and on the fateful night, the deceased had gone
to meet the said Khushboo Kumari and while the deceased was
returning from the house of the said Khushboo Kumari, he was
noticed by neighbours and the neighbours as well as villagers of
the aforesaid Khushboo Kumari, mercilessly, beaten the deceased
under misconception of thief. The statement of Khushboo Kumari
was recorded u/S 164 of the Code of Criminal Procedure, in
which, she stated that the petitioner and some other including her

brothers, who are named in the first information report, beaten the deceased.

No doubt, the prayer for bail of co-accused who happened to be own brother of Khushboo Kumari has earlier been rejected by a coordinate bench of this court but the case of the petitioner appears to be on different footing because he is admittedly co-villager of Khushboo Kumari and even if, the statement of Khushboo Kumari assumed to be true, then also, the petitioner and other villagers assaulted the deceased under misconception of thief.

Taking into consideration the aforesaid facts and circumstances as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Gorichak P.S. Case No. 170 of 2014 to the satisfaction of Sri Sanjay Kumar, learned Judicial Magistrate-Ist Class IV, Patna City.

A.K.V./- **(Hemant Kumar Srivastava, J)**

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