

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24112 of 2015

Arising Out of PS.Case No. -85 Year- 2014 Thana -BARURAJ District- MUZAFFARPUR

- =====
1. Shatrughan Singh @ Shatrudhan Singh, Son of Late Ramashray Singh
 2. Sarbesh Kumar @ Sarvesh Kumar, Son of Shatrughan Singh
- Both resident of village – Bangari, P>S. Baruraj, District – Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan

For the Opposite Party/s : Mr. Ajay Kumar 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 17-07-2015

Heard learned counsels for the petitioners
and the State.

The petitioners are languishing in custody
since 19.01.2015 in a case registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

The prosecution case is that both the
petitioners along with Brajesh and Kalawati Devi assaulted with
lathi and rod to the husband of the informant. Subsequently, the

husband of the informant succumbed to the injuries.

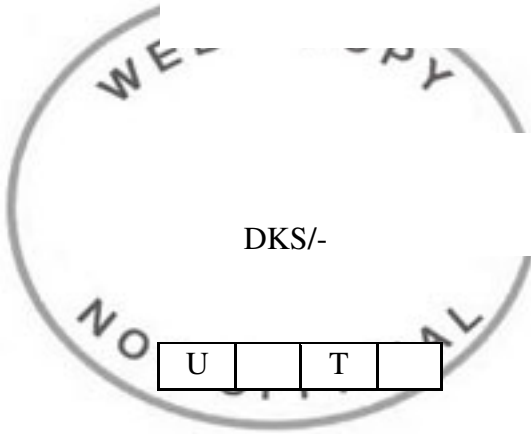
It is submitted by learned counsel for the petitioners that the petitioner Shatrughan Singh has two sons, namely, Brajesh and Sarbesh and Kalawati Devi is the wife of petitioner no. 1 Shatrughan Singh, hence, all the family has been roped in. The petitioner no. 1 Shatrughan Singh and deceased Birendra Singh are own brothers and in the background of land dispute the accusation has been levelled.

The accusation of assault has been levelled against four persons whereas the inquest report suggests one injury but the doctor during post-mortem found two injuries; one abrasion on the on the left side of forehead and other hamaetoma. Thus the accusation is not being corroborated with the medical opinion and similarly situated co-accused Brajesh Kumar has been granted bail vide Cr. Misc. No. 49304 of 2014.

A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the accusation being not corroborated with the medical opinion and the investigation being concluded, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of

learned Sub-divisional Judicial Magistrate (West), Muzaffarpur in
connection with Baruraj P.S. Case No. 85 of 2014.



(Dinesh Kumar Singh, J)