

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25843 of 2015

Arising Out of PS.Case No. -36 Year- 2012 Thana -SINGHIYA District- SAMASTIPUR

Chandan Jha, son of Madho Jha, resident of village Singhiya, P.S. Singhiya,
District Samastipur.

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 29-07-2015

Heard learned counsels for the petitioner and
the State.

The petitioner has renewed his prayer for bail
in a case registered for the offences punishable under Sections
341, 342, 323, 325, 307 and 302/34 of the Indian Penal Code on
the ground that the petitioner is languishing in custody since
12.05.2014 and similarly situated Sumit Singh has been granted
bail vide Cr. Misc. No. 36811 of 2013.

The prosecution case is that the informant
and his cousin brother were watching orchestra in the premises of
a temple. In the meantime, the petitioner came and asked the

informant to stand up. On protest being made he started abusing then the co-villager intervened when the petitioner escaped from the scene after giving threatening to the informant side. The petitioner and others again came to the place of occurrence and started pulling the informant when cousin brother of the informant made protest then this petitioner and co-accused Sumit Singh on the order of Madhav Jha assaulted with piece of bamboo on the head of the cousin brother of the informant. Subsequently, the cousin brother of the informant succumbed to the injury.

It is submitted by learned counsel for the petitioner that uncle and other family members of the informant made statements in paragraph nos. 6, 7 and 17 of the case diary which reflect that actually Sumit made assault on the head of the cousin brother of the informant. A co-ordinate Bench of this Court, after considering the fact that the post-mortem report reflects seven injuries, for the occurrence of 01.04.2012 the FIR was lodged on 06.04.2012 and the accusation is omnibus and general, granted bail to Sumit Singh vide Cr. Misc. No. 36811 of 2013. It is further submitted that the trial has yet no commenced.

Considering the aforesaid facts, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount

each to the satisfaction of learned Additional Chief Judicial
Magistrate, Rosera, Samastipur in connection with Singhiya P.S.
Case No. 36 of 2012.

(Dinesh Kumar Singh, J)

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