

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25319 of 2015

Arising out of PS.Case No. -48 Year- 2014 Thana -PANAPUR District- SARAN

Santosh Kumar, son of Late Harishankar Kunwar, resident of village -
Chakiya, P.S. - Panapur, District - Saran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anju Kumari @ Anju Narain,
Advocate.

For the Opposite Party : Mr. H.A.Khan(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-07-2015 The petitioner is languishing in custody since 28.11.2014

in connection with Panapur P.S. Case No. 48 of 2014 for the

offences instituted under Sections 147, 148, 149, 448, 326, 307,

323, 379, 427, 302 of the I.P.C. and 27 of the Arms Act.

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

The prosecution story, in brief, is that on 01.06.2014 at
7.00 A.M. while the informant along with his brother Arbind
Kumar, wife Seema Devi, aunt Samundra Kunwar and Pappu
Kumar, was sitting in the 'Aangan' and Samundra Devi was
cooking and the informant and others were taking breakfast, all of
a sudden, the petitioner and 14 other co-accused persons armed

with weapons allegedly entered in the 'Aangan'. It is further alleged that Nagendra Kunwar assaulted Arbind Kumar with 'Tanga' over the head and other co-accused also assaulted the informant and his family members; and accused Harendra Kunwar allegedly assaulted Samundra Kunwar with 'Tanga' over her head as a result of which, she sustained injury and she fell down. When the informant's cousin Pappu Kunwar came to save them accused Amrendra Kunwar allegedly assaulted him by 'Tanga' over his head and he also fell down. The co-accused Awadhesh Kumar Singh and Pramod Kumar Singh assaulted his brother Arbind and Aunty Samundra Kunwar by bhala causing injuries. It is further alleged that the accused persons took away the ornaments worth Rs.2 lacs, Rs.42,000/- cash and some clothes kept in the suit case, almirah etc., and caused damage to flour machine, solar plate etc. Dilip Kumar fired from the country made pistol and all accused persons fled away. The injured Arbind kumar, Samundra Devi and Pappu Kumar were brought to the Government Hospital, Masrakh, for treatment, but the doctor referred them to Chhapra Sadar Hospital for better treatment and on the way injured Arbind Kumar succumbed to his injury. The genesis of the occurrence is said to be old dispute.

It has been submitted on behalf of the petitioner that the

petitioner is in custody since 28.11.2014 and the charge sheet has submitted in the present case. It is further submitted that the main allegation is against one Nagendra Kunwar and Harendra Kunwar for causing injury upon the deceased and injured Samundra Kunwar. As far as the petitioner is concerned, it is submitted that there is no allegation of causing any injury upon the deceased or any other person.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Saran at Chapra, in connection with Panapur P.S. Case No. 48 of 2014.

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(Sudhir Singh, J)