

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33858 of 2014

Arising Out of PS.Case No. -19 Year- 2014 Thana -UPHARA District- AURANGABAD

- =====
1. Binod Singh S/o Bameshwar Singh
 2. Rana Ranjeet Kumar Singh @ Rana Ranjeet Singh @ Ranjeet Singh S/o Bameshwar Singh Both are Resident of Village Basawanpur, P.S. Uphara, District Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.37875 of 2014

Arising Out of PS.Case No. -19 Year- 2014 Thana -UPHARA District- AURANGABAD

- =====
1. Avinash Kumar Singh @ Avinash Singh S/o Binod Singh
 2. Arun Singh S/o Late Rajeshwar Singh Both are resident of Village - Basawanpur, P.S. - Uphara, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 19-01-2015 Both the above stated petitions arise out of Upahara P.S.Case No. 19 of 2014 which was initially registered under section 307 and other minor sections of the Indian Penal Code as well as 27 of the Arms Act but later on, section 302 of the Indian Penal Code was also added and accordingly both the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners, learned

counsel for the informant as well as learned Additional Public Prosecutor for the State.

Admittedly, the alleged occurrence took place on account of land dispute and petitioner no. 1 lodged counter case i.e. Upahara P.S.Case No. 20 of 2014, against the prosecution party of this case. It is stated that the petitioners and other F.I.R named accused persons were armed with different weapons including fire arm and in course of occurrence, they assaulted the informant and others including deceased by means of different weapons.

It would appear that five persons sustained injury in the alleged occurrence and out of the aforesaid five persons, one Kedar Singh died in course of his treatment, Annexure-2 series as well as Para 70 to 74 reveals that four injured persons sustained simple injury which is said to be caused by hard and blunt substance and so far as, deceased, Kedar Singh is concerned, Para -77 of the case diary reveals that he sustained altogether five injuries, and all the injuries are said to be caused by hard and blunt substance.

Although, the informant has stated about the specific role played by some of the petitioners and accused but in course of examination, witnesses did not make any specific overt act against

the petitioners and they made general allegations of assault against the petitioners. Moreover, the defence party also sustained injury in the alleged occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Daudnagar, Dist- Aurangabad in connection with Upahara P.S.Case No. 19 of 2014.

(Hemant Kumar Srivastava, J)

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