

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41865 of 2015

Arising out of PS.Case No. -74 Year- 2014 Thana -AMNAUR District- SARAN

Awadhesh Singh, son of Late Ramdeni Singh, resident of Village- Amnaur,
P.S.- Amnaur, District- Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kr. Thakur, Advocate.

For the Opposite Party : Mr. Vinod Shankar Modi(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-11-2015 Heard learned counsels for the petitioner, informant and
learned counsel for the State

The petitioner is languishing in custody since 07.07.2014
in connection with Amnaur P.S. Case No. 74 of 2014 for the
offences instituted under Sections 341, 342, 324, 307, 379, 328
and 120(B) of the IPC. Later on Section 302 IPC was also added.

The prosecution story, in brief, is that on 05.07.2014 at
about 7.15 in the evening when the informant was returning to his
home, his co-villagers, Sanjay Singh alias Sanju Singh, Awadhesh
Singh caught him and took the informant at his home and called
one another person Awadhesh Singh alias Mama. They took him
to the courtyard of Sanjay Singh and started assaulting saying that
you *Sala* have entered into the house for theft. The accused



persons will kill you and started assaulting the informant with *Lathi* and *Danda*. Accused Awadhesh Singh alias Mama took out the knife and assaulted with knife on both the legs and on the neck which hit him on the right ear of the informant with a view to kill him. Petitioner Mansad Ali came and they forcibly wanted to give country made wine in his mouth. Petitioner Mansad Ali also put his urine in the mouth of the informant. During the course of assault, his mobile was snatched by Awadhesh Singh. People came and saved the informant and he was admitted to the P.H.C. for treatment. For better treatment, the informant was referred to P.M.C.H. and it was reported by the I.O. on 07.07.2014 that during the course of treatment, the informant died in the P.M.C.H.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.07.2014 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. It is a case and counter case. Specific allegation is against co-accused Awadhesh Singh @ Mama. No specific injury has been attributed against the petitioner.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is not 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 C.J.M., Saran, in connection with Amnaur P.S. Case No. 74/2014.

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(Sudhir Singh, J)