

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20787 of 2015

Arising Out of PS.Case No. -173 Year- 2014 Thana -BELAGANJ District- GAYA

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1. Chitranjan Kumar Son of Dayanand Prasad
 2. Chintu Kumar Son of Ram Pravesh Yadav
 3. Nitish Kumar Son of Radhey Prasad All resident of Village- Pipra,
Police Station- Belaganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-05-2015 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 323, 337, 338, 307 and 584 of the Indian Penal Code and Section 3/4 of the Prevention of Witch (Daain) Practices Act.

The prosecution case is that the accused persons were fishing in the ditch of the informant when the father of the informant went to restrain them then he was assaulted with lathi, danda and pelting of stones and bricks as a result he got unconscious and subsequently succumbed to the injuries. It is alleged that the petitioners and co-accused Dayanand Prasad and Ram Pravesh Prasad assaulted the informant and his family

members who went to rescue the father of the informant.

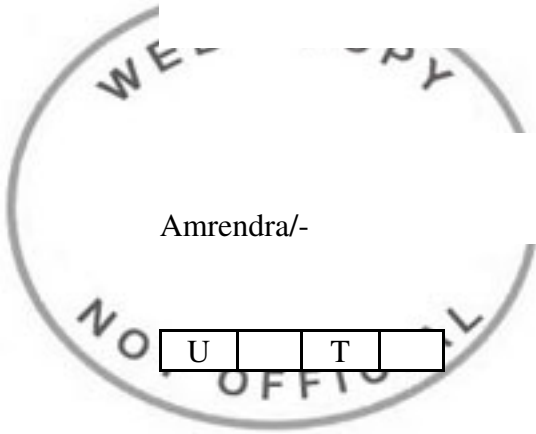
It is submitted by learned counsel for the petitioners that the actual occurrence took place when the informant's side came at the door of the petitioners and started pelting stones only one injury was caused to the father of the informant due to cross pelting of the stones, hence the accusation cannot be treated to be specific as the same is omnibus and general against nine accused persons and postmortem report reflects only one injury. There is counter version of the occurrence also. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the informant that the petitioners and others also participated in the occurrence and they alleged to have assaulted the informant.

Considering the facts that the accusation is omnibus and general, the accusation levelled in the FIR not being corroborated with the postmortem report and co-accused Munna Kumar @ Munna Dom has been granted regular bail by this Court vide Cr. Misc. No. 13111 of 2015, it is fit case for consideration of regular bail, let the learned court below consider the prayer for regular bail of the petitioners if they surrender within a period of six weeks in connection with Belaganj P.S. Case No. 173 of 2014

pending in the court of learned CJM, Gaya.

Accordingly, the application is disposed of.



(Dinesh Kumar Singh, J)