

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34859 of 2014

Arising Out of PS.Case No. -193 Year- 2008 Thana -WAJIRGANJ District- GAYA

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1. Dhiru Kumar @ Dhiru Singh S/o Sri Parmanand Singh
2. Rakesh Kumar S/o Sri Ramanand Singh Both petitioner No. 1 and 2 are
Resident of Village Bajaul Police Station Wazirganj, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Jitendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 12-03-2015

Heard both sides.

The petitioners apprehend their arrest in Wazirganj P.S. Case No. 193 of 2008 registered under section 307 and other allied sections of the Indian Penal Code and later on section 302 I.P.C. was also added.

The informant alleged that on account of dispute Raj Kumar, Matlu Singh @ Shailesh Singh and Dhiru Singh assaulted the uncle of the informant with lathe due to which he got injury on his head and he died. It is submitted that petitioner no.1 Dhiru Singh is named in the first information report but petitioner no.2 Rakesh Kumar is not named in the first information report. It is submitted that co-accused Nawal Singh, Nilesh



Singh, Krishan Ballabh Singh and Narnendra Singh @ Naro Singh have already been enlarged on bail vide Cri. Misc. No. 30368 of 2013 AND Cri. Misc. No. 8002 of 2014. It is further submitted that there is enmity between the parties for which Wazirganj P.S. Case no. 162 was registered against the uncle of the informant Nagendra Singh the deceased. Petitioner no.1 is the informant and petitioner no.2 is witness in the case. On perusal of the record it appears that petitioner no.2 Rakesh Kumar is not named in the first information report and no specific allegation is made against him and other co-accused persons have already been enlarged on bail.

Considering the aforesaid facts petitioner no.2 Rakesh Kumar in the event of his arrest or surrender before the court below within a period of four weeks from today is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in Wazirganj P.S. Case No. 193 of 2008, subject to the conditions as laid down under section 438(2) Cr.P.C.

So far as petitioner no.1 Dhiru Kumar @ Dhiru Singh is concerned, the informant has made very specific allegation that he along with other accused persons brutally

assaulted Nagendra Singh who succumbed to the injury.
Considering the allegation, I am not inclined to enlarge the
petitioner no.1 on anticipatory bail. The same is rejected.

(Prabhat Kumar Jha, J)

M.Rahman/-

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