

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52007 of 2015

Arising Out of PS.Case No. -127 Year- 2015 Thana -RAJAUN District- BANKA

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Sunil Prasad Singh @ Sunil Kumar Singh, son of Dineshwar Prasad Singh,
resident of Village- Gosainchak, Plice Station- Rajoun, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Rajoun P.S.Case No. 127 of 2015 for the offences alleged under
Sections 341, 325, 307, 354, 379 and 504/34 of the Indian Penal
Code.

On the basis of the complaint petition filed on behalf of
the complainant, which was sent to the P.S. concerned under the
provision of Section 156(3) Cr.P.C., this case has been registered.
The prosecution case, in brief, is that on 7.6.2015 at about 12.00
noon when the informant was in her home, she came to know that
the fruits of the orchard were sold for Rs. 25,000/-.The orchard is
joint. The petitioner Sunil Singh was passing by the side of the

house of the informant and the informant told her son Bikki to go and ask the money of her share from his uncle. The son of the informant came out of the house and demanded money of his share from the petitioner on which he started abusing. It is alleged that he inflicted Axe blow causing injury to Bikki and when the informant went to save Bikki then on the call of the petitioner other co-accused persons, variously armed with lathi, sword etc. came and with intention to kill, the petitioner inflicted Axe blow on her causing injury on her head whereas the co-accused Rohit Singh, with intention to kill made firing from his pistol but she fell down and escaped. Thereafter all the accused persons removed her sari and tore her blouse and in a half naked position assaulted her till she became unconscious. When the husband of the informant came to save her, he was also badly assaulted at the hands of the accused persons. It is further alleged that the accused Snehlata Devi snatched gold chain and Payal worth Rs. 29,000/- whereas Arpita Kumari entered into her house and took out Rs. 10,000/- cash by breaking open her box. The informant was brought to Belhar Hospital from where she was referred to Mayaganj, Bhagalpur for treatment. The informant and her son Bikki was treated there for many days and that is the reason for delay in filing the case.

It has been submitted by the counsel for the petitioner that altercation took place between the petitioner and the informant on the issue of distribution of their share of the amount received from the sale of fruits from a joint family orchard. It has further been submitted that prior to institution of the present case, the petitioner had filed Rajoun P.S.Case No. 114 of 2015, which is also pending before the same Court and both sides sustained injuries, which are simple in nature. Furthermore, it has been submitted that no case under Section 307 IPC is made out against the petitioner.

Be that as it may, let the petitioner, above named, in the event of his arrest/surrender before the court below, 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 learned C.J.M., Banka, in Rajoun P.S.Case No. 127 of 2015, subject to the conditions, as laid down u/s 438(2) Cr.P.C.

(Nilu Agrawal, J)

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