

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54583 of 2015

Arising Out of PS.Case No. -170 Year- 2014 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Nathuni Singh, Son of Late Ram Jiwan Singh
 2. Bindeshwar Singh, Son of Late Lilla Singh
 3. Suresh Prasad Singh @ Suresh Singh, son of Late Dilchand Singh
 4. Sanjeet Kumar Singh @ Sanjeet Singh Son of Bindeshwar Singh
 5. Naresh Thakur, Son of Late Asharfi Thakur All are resident of Village- Rasulpur Osti, P.S.- Mahua, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy
For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-12-2015

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 447, 341, 323, 509, 307 of the Indian Penal Code and Section 3(1)(x), 3(v)(viii)(x) of the SC & ST(Prevention of Atrocities) Act.

The prosecution case is that on 18.05.2014 the husband of the informant has gone for work and informant was in her house along with her two sons and father-in-law when Vikash Kumar, Hitesh Kumar, Golu Kumar and victim Birju Kumar took sons of the informant for taking bath in a pond and after an hour returned to their home. At about 7:00 P.M, Dhiraj Kumar, another son of the informant went to Bhutnath Pathiya to take medicine for her as informant was

suffering from chest pain but he did not return. On search being made, the informant came to know that victim Birju Kumar died during taking bath and for the same incidence the villagers were assaulting the informant's son at the door of Naresh Thakur. The informant reached there and saw that co-accused Bikkay Kumar, Sanjay Kumar, Rajesh Thakur, Khur-Khur Singh, Ram Nath Paswan, Munir Chand Kumar, Bahadur Singh, Rajdeo Singh and Navin Singh and 5-6 unknown persons were giving blow with fists and slaps to her son by tying his both legs with rope with an intention to kill. It is further alleged that accused persons hanged the informant's son on the well situated at the door of Naresh Thakur in her presence. The informant requested the villagers to leave her son and she is ready to obey their decision, on which they left her son. On 19.05.2014 at about 2:00 P.M the accused persons made Panchayati at the door of Naresh Thakur in which the informant along with her husband, sons and father-in-law participated. The punches asked the informant to execute deed for 5 katha of land to Awadhesh Singh, father of the deceased Birju Kumar and leave the village. On request of the informant's father-in-law, the punches told her to execute the deed for 3 katha of land only to be registered on 21.05.2014 and dead body of Birju Kumar was buried on 19.05.2015. All the accused persons came at the door of the informant and given threat to burn her house.

It is submitted by learned counsel for the petitioners that the present case was lodged by the informant on 22.05.2014 when Sarita Devi, mother of the victim Birju Kumar lodged Mahua P.S. Case No. 168 of 2014 on 21.05.2014 levelling accusation against the informant's son and husband and considering the same the co-accused who alleged to have assaulted the son of the informant have been granted bail vide Cr. Misc. No. 45733 of 2015.

Considering the delayed lodging of the case, the case lodged by the petitioners' side at earlier point of time and other co-accused being granted anticipatory bail, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 170 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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