

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22034 of 2015

Arising Out of PS.Case No. -407 Year- 2014 Thana -DUMRA District- SITAMARHI

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1. Mukesh Kumar S/o Ramesh Prasad Resident of Village Banchauri, P.S. Dumra, District Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa

For the Opposite Party : Mr. Sanjay Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 21-05-2015

Petitioner is languishing in custody since 10.04.2015 in a case registered for the offences punishable under Sections 307, 323, 341, 379, 504/34 of the Indian Penal Code. Subsequently Section 302 I.P.C was also added.

The prosecution case is that the accused persons were laying plinth on the land of the informant. On protest being made the informant was assaulted with lathi, danda and iron rod. On alarm being raised the sister-in-law of the informant Kusiya Devi and nephew Bhairo Prasad came to rescue when co-accused Ramesh Prasad assaulted with bamboo on the head of sister-in-law of the informant and thereafter all accused persons including the petitioner also assaulted the sister-in-law of the informant with lathi, danda and iron rod. The accused persons also snatched cash of Rs. 25,000/- and gold chain and earring of the victim.

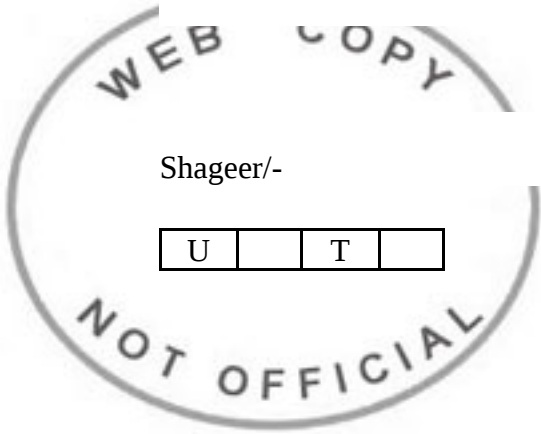
Subsequently the sister-in-law of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that specific accusation of assault is against Ramesh Prasad. The injury report of the victim reflects one abrasion on the right parietal region and one swelling on the left parietal region. Supplementary injury report reflects injury on right parietal region as simple in nature whereas injury on left parietal region has been found to be grievous as the said injury caused severe haematoma. The accusation has been levelled in the background of land dispute.

It is submitted by learned counsel for the informant that in the First Information Report, it is alleged that first assault was made by Ramesh Prasad and subsequently all the accused persons including the petitioner assaulted with lathi, danda and iron rod to the victim and the accusation has been supported by the witnesses during investigation.

Considering the fact that only specific accusation of assault to the victim is against Ramesh Prasad whereas accusation of assault is omnibus and general against five F.I.R named accused persons including the petitioner, the injury report reflects only two injuries when only one injury was found to be fatal, 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 learned Chief Judicial Magistrate, Sitamarhi in
connection with Dumra P.S. Case No. 407 of 2014.



(Dinesh Kumar Singh, J)