

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17576 of 2015

Arising Out of PS.Case No. -110 Year- 2014 Thana -MANSAHI District- KATIHAR

- =====
- 1. Visundev Kewat S/o - Late Kalicharan Kewat
 - 2. Hari Mohan Kewat S/o - Late Kalicharan Kewat
 - 3. Upendra Kewat S/o - Harimohan Kewat
 - 4. Amarjeet Kewat S/o - Harimohan Kewat
 - 5. Leelanand Kewat S/o - Harimohan Kewat
 - 6. Saryug Kewat S/o - Visundev Kewat All are R/o - Bedangi, P.S. - Mansahi, Distt - Katihar.

.... Petitioner/s

Versus

- 1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.17679 of 2015

Arising Out of PS.Case No. -110 Year- 2014 Thana -MANSAHI District- KATIHAR

- =====
- 1. Antiya Devi @ Anita Devi W/o Vishundeo Kewat
 - 2. Rajmani Devi W/o Hari Mohan Kewat Both R/o vill. - Baidangi, P.S. Mansahi, Distt. Katihar

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.17576 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

(In Cr.Misc. No.17679 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Anita Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-06-2015 Heard learned counsel for the petitioners , learned A.P.P. for the State and the informant.

The petitioners seek bail in connection with Mansahi P.S. Case No. 110/14 for the offences punishable under sections 323, 324, 341, 302, 307, 379 and 504/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 19-12-2014 when the informant was cleaning his house, the named accused persons came there with lathi, dabia, kulhari and iron rod and assaulted him and when his brothers came to rescue him, they also assaulted his brothers and on hullah being raised, the other villagers came and seeing them, they fled away. It is further alleged that they snatched ear ring and chain from the neck of his mother and the cause of the said occurrence is land dispute. In course of treatment his brother Maya Prasad Kewat died due to injury.

It has been submitted on behalf of the petitioners that general and omnibus allegations have been made against all the petitioners. No specific injury has been attributed against them. Further, it has been submitted that there is a case and counter-case, and the accused side have also sustained injuries and the said injuries have not been explained by the prosecution which indicates that the prosecution has not come with clean hands.

Further, it has been submitted that the petitioners in Cr.Misc. No.17576/15 are in custody since 2-3-2015 and the petitioners in Cr.Misc. No.17679/15 are in custody since 13-3-2015 , and they do not have any criminal antecedent.

On behalf of the State and the informant it has been pointed out that specific allegation has been made against the petitioner Visundeo Kewat for causing injury by Kulhari upon the

deceased Maya Prasad Kewat and the deceased succumbed to the said injury. The post mortem report indicates that there is injury upon the head of the deceased, but the said injury did not corroborate to the extent that the said injury is said to have been caused by hard and blunt substance.

Considering the facts and circumstances of the case, the prayer for bail made on behalf of petitioner no.1 Visundev Kewat in Cr.Misc. No. 17576/15 is rejected. If so advised, he may renew his prayer for bail after completion of nine months in custody.

So far as other petitioners are concerned, the prayer for bail made on their behalf is allowed. Let the petitioners, namely, Hari Mohan Kewat, Upendra Kewat, Amarjeet Kewat, Leelanand Kewat, Saryug Kewat, Antiya Devi @ Anita Devi and Rajmani Devi be released on bail on furnishing bail bond of Rs,10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class Katihar in connection with Mansahi P.S. Case No. 110/14.

BK.Roy/-

(Sudhir Singh, J)

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