

Arising Out of PS.Case No. -56 Year- 2013 Thana -SIKANDARA District- JAMUI

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Sadanand Paswan(App)

Heard learned counsel for the petitioner,

Arjun Chaudhary disclosed that Sakiya

Learned counsel for the petitioner submits

that informant is not an eye witness of the occurrence and Sakiya Rajak did not disclose the name of any accused persons. The informant stated that his father disclosed that Onkar and Simbu have assaulted him with lathi. One injury

was found on the head and another on the forearm. Simbu Singh has already been acquitted. It is further submitted that the deceased is said to have disclosed about the assault before his death but no other persons except the informant stated the fact that the deceased made any oral dying declaration.

On the other hand learned counsel for the informant has submitted that Onkar Singh assaulted the deceased and Simbu Singh did not assault the deceased that is why he has been acquitted. The petitioner was absconded. From the perusal of the record it appears that the informant is not an eye witness of the occurrence and Sakiya Rajak has said about the occurrence but did not disclose name of any of the assailants. The informant claimed that his father before death disclosed about the assailant as Onkar Singh and Simbu Singh but the deceased did not disclose who assaulted where. During the course of investigation some similar allegation has been labeled against both the accused but Sombu Singh have already been acquitted as none of the witness disclosed about the assault made by Simbu Singh. It appears that witnesses have made omnibus and general allegation of assault against the petitioner. The petitioner is in jail since 22.08.2013.

Considering the aforesaid facts, the above named petitioner 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 learned A.D.J-Ist, Jamui in S.T. No. 582 of 2013 arising out of Sikandra P.S. Case No. 56 of 2013.

(Prabhat Kumar Jha, J)

M.Rahman/-

U		T	
---	--	---	--