

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13074 of 2015

Arising Out of PS.Case No. -217 Year- 2011 Thana -SAHEBPUR KAMAL District- BEGUSARAI

- =====
1. Arti Devi daughter of Harinandan Paswan
 2. Sangeeta Devi wife of Harinandan Paswan.
 3. Gaurav Kumar
 4. Kiran Kumar
 5. Subham kumara@ Subhan Kumar
- All three sons of Harinandan Paswan.

All resident of village Malhipur, p.s, Sahebpur Kamal, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rai Mukesh Sharma

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-07-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 302, 341, 323, 325 and 504/34 of the Indian Penal Code.

The prosecution story, in brief, is that on 20.12.2011 at about 12 A.M. Kanhaiya Paswan, the son of the informant Shobha Devi was playing cricket where a quarrel took place between Kanhaiya Paswan and Kiran Kumar, Subhan Kumar. On hulla informant and her husband Bhagan Paswan came to purify the matter, in the meantime Harinandan Paswan wife of Harinandan Paswan (name not known),Arti Devi,Gaurav Kumar, Kiran Kumar,Shubam Kumar assaulted the husband of the informant with fist, fat and nuth cricket bat and injured him.

When he fell down on earth becoming senseless Harinandan Paswan assaulted him with cricket bat on the back portion of head and he died.

It has been submitted on behalf of the petitioners that there is general and omnibus allegation against the petitioners. It is further submitted that specific allegation has been made against Harinandan Paswan, who is said have assaulted with the cricket bat. It is also submitted that even if the prosecution story is accepted to be true, no offence under Section 302 of the Indian Penal Code is made out as there was no intention to commit the murder of the deceased.

On behalf of the State, it has been submitted that the petitioners are named in the FIR.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, 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 learned C.J.M., Begusarai, in connection with Sahebpur Kamal P.S. Case No. 217 of 2011, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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