

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1331 of 2015

Arising Out of PS.Case No. -222 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Awanish Singh Son of Sri Sheo Shankar Singh
 2. Rakesh Singh Son of Sri Sheo Shankar Singh Both are resident of Village - Baghi Bhelwa, P.S- Ghorasahan, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 24-03-2015 Heard both sides.

The petitioners seek bail in Ghorasahan P.S. Case No. 222 of 2014, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

The informant Abhay Kumar Singh named Shiv Shankar Singh and his two sons Rakesh Singh and Awanish Singh and alleged that they started breaking his Naad. When the informant forbade, all the three are alleged to have assaulted the informant with iron rod. Shiv Shankar Singh is alleged to have assaulted the informant with iron rod on his head.

Learned counsel for the petitioners submits that there is no specific allegation of assault against the petitioners Awanish

Singh and Rakesh Singh. The informant is a best witness of the occurrence. The informant got injuries all the injuries are lacerated, swelling, bruise and abrasion on skull, left elbow and one bruise injury was found on abdomen. It is further submitted that the occurrence is of 01.07.2014, the injured was admitted to P.H.C. and he was referred to P.M.C.H. for treatment on 02.07.2014. The informant was operated and he died on 09.07.2014.

On the other hand learned counsel for the informant as well as the learned APP opposed the prayer for bail and submitted that all the three accused persons assaulted Abhay Kumar Singh and on account of injuries caused by such assault Abhay Kumar Singh died.

On perusal it appears that omnibus and general allegation of assault is made against the petitioners Awanish Kumar Singh and Rakesh Singh. On perusal of the injury report, it appears that all the five injuries appeared to be superficial, but bruise was found on abdomen of Abhay Kumar Singh which proved to be fatal as he was operated and died after 7 days of the occurrence.

Considering the facts aforesaid and the fact that there is no specific allegation of assault against the petitioners and there appears to be scuffle on the ground of land dispute, the petitioners

above named are directed to be enlarged 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 Sri S.K. Mishra, the learned Judicial Magistrate, 1st Class, Sikrahana at Motihari in connection with Ghorasahan P.S. Case No. 222 of 2014.

(Prabhat Kumar Jha, J.)

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