

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37941 of 2014

Arising Out of PS.Case No. -41 Year- 2014 Thana -GHANSHYAMPUR District- DARBHANGA

- =====
1. Shyam Sundar Singh
 2. Kedarnath Singh, Both son of Late Bhuneshwar Singh, Resident of Village - Tumaul, P.S. - Ghanshyampur, District - Darbhanga
- Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, Advocate

For the Opposite Party/s : Mr. Satyavrat Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-01-2015

Heard the learned counsel for the petitioners, the

learned Additional Public Prosecutor as well as learned counsel for the informant.

The petitioners seek regular bail in Ghanshyampur P.S. Case No. 41 of 2014, registered for the offences punishable under Sections 307, 302 of the Indian Penal Code and other Sections of the Indian Penal Code.

The informant named fifteen persons and alleged that Avinash Kumar Singh assaulted his grand-father, namely, Tribeni Prasad Singh with farsa on his head thereafter Kedar Nath Singh, Avinash Kumar Singh are alleged to have indiscriminately assaulted the father, grand-father and uncle of the informant.

The learned counsel for the petitioner submitted that Dinesh Kumar Singh died during the course of treatment

having received one injury on his head. Narendra Kumar Singh, the uncle of the informant and Tribeni Prasad Singh, the grandfather of the informant received simple injuries. In the First Information Report, there is no specific allegation against any of the accused persons as to who assaulted Dinesh Kumar Singh.

It appears that there is land dispute and on account of such the occurrence took place. The petitioners and informant are agnates.

The learned counsel for the informant has submitted that during the course of investigation the informant in his further statement and Narendra Kumar Singh the injured and other witnesses alleged that it was Shyam Sundar Singh who assaulted Dinesh Kumar Singh with bamboo stick on his head. The deceased died on account of head injuries.

Having considered the fact that there is no specific allegation of assault against Kedarnath Singh petitioner no. 2, he is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Biraul at Benipur, Darbhanga in connection with Ghanshyampur P.S. Case No. 41 of 2014.

So far as the case of the petitioner no. 1, Shyam

Sundar Singh is concerned, there is specific allegation in the First Information Report and the informant and other witnesses including injured have made very specific allegation that it was Shyam Sundar Singh who assaulted Dinesh Kumar Singh with bamboo and consequently Dinesh Kumar Singh died. Hence, I am not inclined to enlarge him on bail at this stage. Accordingly, the same is rejected. The petitioner may renew his prayer for bail after six months.

(Prabhat Kumar Jha, J.)

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