

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34955 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -RAFIGANJ District- AURANGABAD

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1. Awadhesh Singh,
2. Chitan Singh both sons of Late Shankardayal Singh, Resident of Village-
Danai, P.S.- Rafiganj, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-10-2016

Heard learned counsel for the petitioners and the State.

The petitioners are in custody in a case registered under Sections 147, 148, 149, 341,323, 324 and 307 of the Indian Penal Code and 27 of Arms Act and later Section 302 IPC was added.

It is alleged that on 23.03.2016 at about 4.30 P.M there was an incident of Marpit near flour mill of Awadh Singh. It is further alleged that accused Gupta Singh, Mahendra Singh, Nagendra Singh and Surendra Singh assaulted Chandan Kumar with lathi and Danda and in the meantime there was a Hulla and the informant rushed there and saw that accused persons were assaulting Chandan. When the informant tried to pacify the matter the accused Rachita Singh,Dara Singh having Danda, Awadhesh Singh having Danda and Chitan Singh having Bhala started to

assault the informant. It is further alleged that accused Anjay Kumar and Manish Kumar came with pistol and they made fire. It is further alleged that Subodh Kumar came with pistol and Pankaj Kumar came with sword and assaulted the informant on his head. Deepak Kumar came with Katar. All the accused persons assaulted Santu Kumar, Mantu Kumar, Jai Ram Singh, Parmanand Singh, Basanti Devi and Chandan Kumar.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 19.04.2016. Charge sheet has been submitted in this case. The petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. From paras 39,40 and 47 of the case diary it is evident that free fighting has taken place between the parties. It is a case and counter case. After treatment the deceased was discharged from the hospital but subsequently he died. Post mortem report could not ascertain the cause of death. General and omnibus allegation has been made against the petitioners. No specific injury has been attributed against the petitioners.

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

Considering the aforesaid facts and circumstances of

the case, let, above named petitioners, 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., Aurangabad in connection with Rafiganj P.S.Case No. 55 of 2016.

(Sudhir Singh, J)

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