

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31533 of 2016

Arising Out of PS.Case No. -395 Year- 2015 Thana -BALLIA District- BEGUSARAI

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1. Nunulal Singh Son of Indradeo Singh resident of Village Rahatpur P.S
Ballia, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 07-12-2016 Heard the learned counsel for the petitioner, the

learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioner apprehends his arrest in Ballia P.S.

case No. 395 of 2015 under Section 302 and other Sections of the

Indian Penal Code.

The informant alleged that he was constructing his

house but his co-sharer Ram Niwas Singh fired at him but the shot

did not hit him. Nunulal Singh, the petitioner, Raju Kumar, Anita

Devi and Indradeo Singh assaulted Subodh Singh, uncle of the

informant, with Lathi on his head. Subodh Singh after becoming

unconscious fell down on the ground. Vandana Devi, wife of Ram

Niwas Singh, and Anita Devi assaulted Niranjan Singh, father of



the informant, causing injury on his chin. Petitioner, Nunulal Singh, is alleged to have assaulted wife and son of Subodh Singh with Lathi.

The learned counsel for the petitioner submits that there is no injury report of wife of Subodh Singh and his son, Rajnish, on record. Petitioner is not the assailant of deceased, Subodh Singh. There is counter version of the occurrence being Ballia P.S. case No.394 of 2015 and from both sides there was mutual assault on account of land dispute.

On the other hand, the learned counsel for the informant opposed the prayer for anticipatory bail and submitted that, of course, the informant not named the petitioner as assailant of the deceased but Baban Singh stated in paragraph 9 of the case diary that Raju Kumar and petitioner assaulted the deceased. There is no injury report of wife and son of Subodh Singh on record.

It appears that informant and other witnesses, except Baban Singh, stated that Raju Kumar and Indradeo Singh assaulted Subodh Singh with Lathi on his head. Subodh Singh got one injury on his head and died. Petitioner is the assailant of wife and son of Subodh Singh but they did not get any injury nor injury report of wife and son of Subdh Singh is on record.



Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, 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 Chief Judicial Magistrate, Begusarai in Ballia P.S. Case No. 395 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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