

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34946 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -KHODAWANPUR District- BEGUSARAI

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1. Arun Singh, son of Late Baleshwar Singh
2. Sharwan Kumar Singh @ Sharwan Kumar, S/o- Arun Singh Both
Resident of Village- Medhaul, P.S.- Khodawandpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Khodawandpur P.S. Case No. 23/2016 registered for the offence
punishable under Sections 147, 148, 149, 307, and 302/34 of the
Indian Penal Code.

The prosecution case as lodged on the basis of
written report of one Ramcharitra Singh before the S.H.O. of
Khodawandpur P.S. alleging therein that on 24.02.2016 Pankaj
Singh proceeded from his house at 8.00 P.M. for taking wine from
his own villager's wine shop of Hareram Singh for which
quarreling started between them and they reached near the house
of Pankaj Singh and Hareram Singh called the persons in favour of
his party and caught Pankaj Singh and taken away in front of the

house of Hare Ram Singh. The informant has mentioned the name of accused persons, who caught and taken away including the petitioners out of them Ranjeet Singh and Anjani Singh started assaulting with Chela on the head of Pankaj Singh and remaining persons caught the hand and foot of Pankaj Singh, Ranjeet Singh and Anjani Singh, co-accused were assaulting continuously with Chela till Pankaj Singh was smeared with blood and fell down on the ground thereafter the father of Pankaj Singh brought him to Khodawanpur hospital where doctor seeing the serious condition referred to Sadar Hospital, Begusarai, where doctor declared him dead thereafter informant brought the dead body to Khodawandpur P.S.

It has been submitted by the learned counsel for the petitioners that they are innocent and the allegations are false. He submits that the petitioners have been falsely implicated due to previous enmity and dirty village politics. He also submits that no case under sections 307 and 302 of the Indian Penal Code are made out against them as there is no allegation of assault by these petitioners. He further submits that the petitioners have clean antecedents as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report and accomplice to the other co-accused persons, who inflicted injury on one Pankaj Singh, hence, opposes the prayer for bail.

Be that as it may, since the petitioners have not been alleged to have assaulted Pankaj Singh, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur P.S. Case No. 23/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that the petitioners will co-operate with the investigation and appear before the police/Court when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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