

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31711 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -BIRPUR District- SUPAUL

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1. Mithu Kherwar @ Mithilesh Kumar Son of Shiv Nr. Kherwar Resident
of Bhawanipur, P.S.- Birpur, District- Saul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.35666 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -BIRPUR District- SUPAUL

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1. Ram Nath Kherwar
2. Shiv Nr. Kherwar @ Shiv Narain Kherwar @ Shiv Nr. Kharear Both are
sons of Chanar Kherwar resident of Bhawanipur, P.S.- Birpur, District-
Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.31711 of 2016)

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

(In Cr.Misc. No.35666 of 2016)

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-09-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are languishing in custody in
connection with Birpur P.S. Case No. 60 of 2016 for the offences
instituted under Sections 147, 148, 149, 341, 323, 324, 307, 504
and 302 of the Indian Penal Code.



The allegation against the accused persons including the petitioners is of assaulting the mother and cousin grand mother of the informant. It is also alleged that on the instigation of accused Chanar Kherwar, co-accused Baijnath Kherwar gave *farsha* blow on the head of the father of the informant, as a result of which, he died. The petitioner Ramnath Kherwar is said to have assaulted to Suresh Kherwar with *Khanti* on his head, while petitioner Shiv Narayan Kherwar assaulted to Naresh Kherwar with *Dabia*, causing head injury.

It has been submitted on behalf of the petitioner that the petitioner Mithu Kherwar is in custody since 22.05.2016, petitioners Ramnath Kherwar and Shiv Narayan Kherwar are in custody since 21.04.2016. The charge sheet has been submitted in the present case. The petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioner Mithu Kherwar is said to be the member of unlawful assembly. As far as petitioner Ramnath Kherwar is concerned, he is said to have caused injury to one Suresh Kherwar and as far as petitioner Shiv Narayan Kherwar is concerned, he is said to have caused injury on Naresh Kherwar. There is no allegation of causing injury upon the deceased against the petitioners. Co-accused Baijnath Kherwar is said to have

caused injury upon the deceased, due to which, he died.

On behalf of the state it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Birpur (Supaul), in connection with Birpur P.S. Case No. 60 of 2016.

(Sudhir Singh, J.)

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