

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10211 of 2016

Arising Out of PS.Case No. -209 Year- 2015 Thana -UJIYARPUR District- SAMASTIPUR

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1. Arun Singh @ Arun Kumar Son of Late Hakru Singh,
 2. Sweta Devi, Wife of Arun Singh,
 3. Savita Devi @ Shobha Devi @ Shobha Kumari, Wife of Ramesh Singh,
 4. Ashutosh @ Ashutosh Singh @ Prince Son of Mahesh Singh,
 5. Sunita Devi, Wife of Mahesh Singh,
 6. Ramesh Singh @ Ramesh Kumar Bauva Son of Late Hakru Singh,
 7. Phulbati Devi @ Phulmanti Devi, Wife of Late Hakru Singh,
 8. Mahesh Singh @ Maheshwar Kumar Singh, Son of Late Hakru Singh,
 9. Amod Kumar Singh @ Amod Singh @ Dilip Singh, Son of Late Ram Narayan Singh All are resident of village - Balbhadrapur, P.S. - Ujijarpur, District - Samastipur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nilesh Kumar, Advocate.
For the Opposite Party : Mr. Sadanand Paswan(Spl. APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-04-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners apprehended their arrest in connection with Ujijarpur P.S. Case No. 209/2015 registered for the offences punishable under Sections 147, 148, 149, 447, 427, 341, 323, 307, 302 of the Indian Penal Code and 3 (i) (x) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the petitioners submits that so far as the provision of Section SC/ST Act is concerned, admittedly the occurrence did not take place in public view or at a public place.

The occurrence is said to have taken place at the *Baithak* of the informant. Learned counsel for the petitioners further submits that the story as carved out in the F.I.R. is also not supported by the postmortem report, which has come with regard to the examination conducted on the body of the son of the informant, which has been marked as Annexure-2. There is no external injury as has been stated in the F.I.R. The concerned doctor has found that there was pungent smell present all over the body including lungs and froth was also found to be coming out from the nasal channel. The viscera has been sent for examination.

Considering the fact that totally different picture is emerged from the postmortem report and belies the prosecution story, let the petitioners above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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 Sub-Divisional Judicial Magistrate, Dalsingsarai in connection with Ujiyarpur P.S. Case No. 209/2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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