

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18810 of 2017

Arising Out of PS.Case No. -617 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Laxman Singh, Son of Late Domin Singh, Resident of Village – South Bhadas, P.S. – Muffasil, District – Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jai Kishor Poddar, Advocate.

For the Opposite Party : Mr. Jitendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-06-2017 Heard both sides.

The petitioner seeks bail in Khagaria Muffasil P.S. Case No. 617 of 2016 registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

The widow of the deceased alleged that when her husband came, Kanhaiya Singh, Rubi Singh, Gulab Singh and Sudha Devi surrounded her husband and assaulted him with iron rod and Lathi. After having heard alarm when the informant along with her brother-in-law Rajiv Kumar Singh and daughter Pinki Kumari went there Chandan Kumar, Dharamveer Kumar, Raj Kumar Singh, Laxman Singh the petitioner, Shamsheer Singh, Bikram Kumar Singh and Golu Kumar having armed with Lathi also came there and assaulted the brother-in-law and daughter of the informant.



Learned counsel for the petitioner submits that from the side of the informant Khagaria Muffasil P.S. Case No. 47 of 2016 was registered much earlier. There is a land dispute between the parties. The informant had earlier made allegation of assault against four persons namely Kanhaiya Singh, Rubi Singh, Gulab Singh and Sudha Devi. The petitioner and others are alleged to have assaulted the deceased Ramanand Prasad Singh later on along with Rajiv Kumar Singh and Pinki Kumari. Pinki Kumari got three injuries which are simple in nature. Similarly situated co-accused Sudha Devi and Rubi Devi who are alleged to have assaulted the deceased earlier along with Kanhaiya Singh and Gulab Singh have already been enlarged on bail. There is no specific allegation against the petitioner that he also assaulted the deceased Ramanand Singh.

Learned APP however opposed the prayer for bail of the petitioner.

It appears that the informant firstly made allegation against four persons Kanhaiya Singh, Rubi Singh, Gulab Singh and Sudha Devi that they assaulted her husband with Lathi and iron rod but in the second part of the occurrence, the informant named the petitioner along with six others and made omnibus and general allegation that the petitioner also assaulted the deceased.



The deceased got five injuries but no specific allegation of assault is made against the petitioner and the occurrence took place on account of land dispute. Similarly situated two other accused persons have already been enlarged on bail.

Considering the facts aforesaid the petitioner above named 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, Khagaria in Khagaria Muffasil P.S. Case No. 617 of 2016.

(Prabhat Kumar Jha, J.)

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