

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60595 of 2017

Arising Out of P.S.Case No. -120 Year- 2017 Thana -OBRA District- AURANGABAD

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Anjani Kumar @ Anjani Kumar Singh S/o Late Kedar Singh, R/o Village-
Ekauna, P.S.- Obra, District- Aurangabad (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 19-12-2017

Heard.

The petitioner is in custody in connection with Obra
P.S.Case No.120 of 2017 registered for an offence under Sections
302 and ancillary Sections of the IPC.

The allegation as per written report submitted to SHO of
Obra P.S., Aurangabad is that altogether 12 FIR named accused
persons variously armed with deadly weapon went over the land
of the informant and started ploughing the same. On protest, they
assaulted the informant, his brother and other family members. In
the said occurrence, the brother of the informant died on account
of fire arm injury caused by one Brij Kishore Singh.

It has been submitted that there is omnibus allegation of
assault against altogether 12 accused persons. The allegation of
causing fire arm injury resulting the death of the brother of the



informant is specific against co-accused Brijkishore Singh. There is absolutely no allegation of assault against the petitioner and he allegedly gave order to assault the informant party. He further submits that the petitioner was neither present on the spot nor had any occasion to go at the place of occurrence. He is physically challenged person having disability of 65%. The petitioner has annexed disability certificate bearing no.132 dated 06.02.2002 issued by Civil Surgeon-cum-Chief Medical Officer, Aurangabad. The other co-accused having omnibus allegation has been allowed bail by one of the coordinate Bench of this Court in Cr.Misc.No.55211 of 2017. The case of this petitioner stands on better footing to the said accused as on account of being disability and so he deserves bail.

The learned APP opposed the submission.

Considering the omnibus allegation of assault by altogether 12 persons and also the fact that petitioner who having disability of 60% is in custody since 10.09.2017, the prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of SDJM, Daudnagar in connection with Obra P.S.Case No.120 of 2017.

(Sanjay Kumar, J)

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