

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1279 of 2016

Arising Out of PS.Case No. -155 Year- 2016 Thana -BAHERI District- DARBHANGA

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KAILASH SINGH SON OF LATE RAJ KISHORE SINGH RESIDENT
OF VILLAGE- JORJA NAAVTOLA, POLICE STATION- BAHERI,
DISTRICT- DARBHANGA.

.... APPELLANT/S

VERSUS

THE STATE OF BIHAR

.... RESPONDENT/S

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Appearance:

For the Appellant/s : Mr. Birendra Kumar Singh, Adv.

For the Respondent/s : Mr. Smt. Abha Singh, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 28-01-2017 Heard learned counsel for the appellant as well as
learned Special Public Prosecutor.

A dispute arose over carrying of document relating to
Aam Sabha of Panchayat in between Mithilesh Singh at one side
while Avinash Singh at other and in the aforesaid background, it
has been alleged that so many persons named therein including the
appellant, who were variously armed raided and during course
thereof, informant Haricharan Paswan was assaulted with farsa by
Ashok Singh followed by Tabbi Ahmad, Indrajeet Yadav. Avinash
Singh and Bablu Singh came in his rescue who were assaulted
with farsa by Mithilesh Singh, Ghanshayam Singh, Sunil Singh
and Sumit Singh, Avinash Singh fell down, Kailash Singh
(petitioner), Suresh Singh, Rajiv Yadav brutally assaulted him
with iron rod. Then thereafter, they have chased and during course
thereof, Mithilesh and Mannu Singh fired from his pistol causing



injury over Saroj Kumar Singh. Villagers also came in rescue out of whom Sheo Shankar Kumar was assaulted by butt of pistol by Munna Singh as well as by iron rod by Irsad Anwar. During course thereof, they also abused the informant with caste name. Avinash Kumar was also assaulted by Baua Mukhiya with axe. Annexure-3 has been filed which happens to be injury report suggesting presence of single lacerated wound measuring 8 cm x .25 cm. x skin deep on right partial reason of scalp. Furthermore, appellant happens to be under custody since 16.08.2016 other co-accused have also been released on bail.

On account thereof, appellant Kailash Singh is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Baheri P.S. Case No.155 of 2016 after setting aside the order impugned. Consequent thereupon, appeal is allowed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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