

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15771 of 2017

Arising Out of PS.Case No. -171 Year- 2016 Thana -KARAKAT District- SASARAM (ROHTAS)

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1. Kamata Singh, Son of Bhagrathi Singh,
2. Rabindra Singh, Son of Kamta Singh, Both resident of village -
Kanchanpur (Amarthia), P.S. Karakat, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 24-04-2017 Heard both sides.

The petitioners seek bail in Karakat P.S. case No. 171 of 2016 under Section 307 and other Sections of the Indian Penal Code. Later on Section 302 of the IPC was added.

The informant, brother of the deceased, alleged that Rajeshwar Singh, the deceased, was invited in the house of accused on the eve of Tilak ceremony of younger brother of Manoj Singh but Rajeshwar Singh was not provided food as there was no food at the time of his arrival and Rajeshwar Singh returned to his house. The informant further alleged that petitioners along with eight other accused persons went to the house of informant and began to abuse. Rajeshwar Singh



protested. On such, Manoj Singh is alleged to have assaulted Rajeshwar Singh with Lathi on his head. Rajeshwar Singh fell down on the ground. Thereafter, other accused persons are alleged to have assaulted the deceased.

The learned counsel for the petitioners submits that from perusal of the post mortem report, it appears that only one stitch wound was found on the head of deceased, which is attributed to Manoj Singh. No other external injury was found on the body of deceased. Similarly situated accused Dharmendra Singh and Birendra Singh have already been granted bail vide order passed in Cr. Misc. No. 10665 of 2017. The case of petitioners stands on the same footing.

On the other hand, the learned Additional Public Prosecutor as well as the learned counsel for the informant vehemently opposed the prayer for bail and submitted that blood was oozing from both nostrils of deceased and there was injury on other parts of his body. The petitioners do not deserve bail.

It appears that the informant made specific allegation against Manoj Singh that he assaulted Rajeshwar Singh with Lathi on his head. The informant made omnibus and general allegation against other accused persons. From perusal of post mortem report (Annexure-2), it would appear that the deceased got only one



injury on head caused by hard and blunt object and on account of which the deceased died. Similarly situated Dharmendra Singh and Birendra Singh have already been granted bail vide order passed in Cr. Misc. 10665 of 2017 and case of the petitioners stands on the same footing.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the above named petitioners are 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 Sub-divisional Judicial Magistrate, Bikramganj, Rohtas in Karakat P.S. Case No. 171 of 2016.

(Prabhat Kumar Jha, J)

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