

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61883 of 2017

Arising Out of PS.Case No. -120 Year- 2015 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

- =====
1. Kishore Singh, S/o Late Nanda Singh,
 2. Sita Devi, W/o Shri Kishore Singh, Both R/o Village- Basauli, P.S.-
Rajapakar, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 21-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 302 and 504/34 of the Indian Penal Code.

The prosecution, as per the fard-beyan of Mira Devi recorded by S.I. of Baranti O.P. on 19.08.2015 at 6.45 P.M., is to the effect that on 18.08.2015 at 7.30 P.M. the informant was cooking food, while her husband was sleeping in the room, in the meantime, co-accused Anil Singh, Mala Devi, petitioners Kishore Singh and Sita Dev entered into her house,



being variously armed and started abusing the informant, and when the informant protested, then Anil Singh assaulted on the head of the informant's husband with a sharp edged Dabia causing cut injury on the head. Thereafter, the informant's husband started fleeing away, upon which all the accused persons chased him and assaulted him in the street also. In the meantime, the son-in-law of the informant Raj Kumar and the children came to rescue, then Anil Singh assaulted Raj Kumar with Dabia, causing cut injury on the left hand. Other accused assaulted the children of the informant with lathi and thereafter all the accused persons escaped from the scene. Thereafter, the husband of the informant was taken to Sadar Hospital and from there to PMCH, where he succumbed to the injuries.

It is submitted by learned counsel for the petitioners that the accusation of assault is specific only against co-accused Anil Singh and the post-mortem reflects only one injury caused by Anil Singh. The petitioners are agnates of the informant and in the background of land dispute the accusation has been levelled. Petitioner no. 2 is a lady. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the fact that no overt act has



been alleged against the petitioners coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Vaishali at Hajipur in connection with Rajapakar (Baranti O.P.) P.S. Case No. 120 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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