

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1881 of 2019

Arising Out of PS. Case No.-208 Year-2017 Thana- PARASBIGHA District- Jehanabad

1. Nawab Kumar @ Nawab Yadav, Age- 28 Years, Male, Son of Bineshwar Yadav, Resident of Village-Kanakbigha, P.S.- Kako (O.P. Bhelawar), District- Jehanabad.
2. Sudama @ Sudama Kumar @ Sudama Yadav @ Shyam Kumar, Age 20 Years, Male, Son of Bineshwar Yadav, Resident of Village- Kanakbigha, P.S.- Kako (O.P.-Bhelwar), District – Jehanabad.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Satyendra Prasad Singh, Advocate.
For the Opposite Party : Mr. Vinod Shankar Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 11-04-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are languishing in custody since 10.05.2018 and 14.05.2018 respectively in a case for the offence registered under Sections 147, 148, 149, 341, 342, 448, 458, 323, 325, 504, 506, 307, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant has an issue of animosity with accused persons on the issue of passage. In spite of giving three feet land to the accused persons they did not allow the prosecution party to open door on the western side. In the meantime, they were sleeping and on the barking of dogs they awoke, identified the named accused persons in the F.I.R., who were armed with Lathi, Khanti, Tanti,



Farsa, Iron rod, rifle Banduk etc., with intent to kill. They brutally assaulted members of prosecution party and started to make intermittent firing. After committing the barbaric incident they took informant's five brothers Lalit Kumar, Bhushan Kumar, Surishta @ Sudhu, Raju Kumar and Birendra Kumar near wheat field and brutally assaulted them causing them severe injuries on their persons. After raising hulla, local villagers came and accused persons by making firing fled away. In the injured condition, all five brothers of informant were taken to Jehanabad Sadar Hospital and from there for better treatment referred to P.M.C.H. but on the way itself injured Raju Kumar and Birendra Kumar succumbed to injury declared dead by doctor of P.M.C.H. on their arrival. Other three seriously injured persons are being treated in P.M.C.H. and their conditions are also not good. On the said basis, this case was instituted against 25 known persons and 20-25 unknown and investigation started.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the



present case. As per the F.I.R., the informant is not an eye witness to the alleged occurrence. There is no allegation of assault alleged against the petitioners. In spite of the informant being an eye witness to the alleged occurrence has not disclosed the weapons used in the alleged occurrence. The alleged occurrence is said to have taken place in the night. Source of identification has not been disclosed by the prosecution. As per the postmortem report, the deceased are said to have sustained injuries by hard and blunt substance. In the F.I.R., there is no allegation that the hard and blunt substance is said to have been used in course of occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jehanabad, in connection with Parasbigha P.S. Case No. 208 of 2017.

U.K./-

(Sudhir Singh, J)

U		T	
---	--	---	--

