

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.787 of 2019

Arising Out of PS. Case No.-276 Year-2018 Thana- CHHATAUNI District- East Champaran

Rahul Singh, Son of Sunil Singh, Resident of Village - Majurahan, P.S
Raghuathpur, O.P. Turkauliya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate.

For the Opposite Party/s : Mr. Aditya Narayan Singh 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-02-2019 Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in **Chhatauni P.S. Case**
No. 276 of 2018, instituted for the offence under Section(s)
448, 323, 324, 307 and 380/34 of the Indian Penal Code.

It is alleged in the written report that while informant was sleeping in the quarter situated at Sugar factory premises, the accused persons including petitioner as named in the written report arrived. They after breaking open the gate entered in to the room. The co-accused Rahul Kumar son of Sunil Kumar Singh, Rahul son of Ishwar Singh and Dablu Mian were holding knife in their hands and rest accused persons including petitioner were holding *lathi*, *danda*, iron rod etc. It is further alleged that persons who were holding knife in



their hands, gave knife blow to the informant indiscriminately, which hit on back of his neck, left side of back and abdomen. The other accused persons assaulted the informant with *lathi*, *danda* etc.

In this manner, from the written report it appears that petitioner is only said to be the member of unlawful assembly. There is no specific allegation of overt act against the petitioner.

Counsel for the petitioner submits that during investigation, the statement of parents of the informant have been recorded which are available in paragraph-6 and 9 of the case diary. The father of informant has levelled allegation of causing knife blow against Rahul, son of Ishwar Singh. The mother of informant in paragraph-9 of the case diary has stated that she saw this petitioner standing with other co-accused persons. Other independent witness in paragraph-12 of the case diary has stated that petitioner was seen standing outside the house and co-accused Rahul, son of Ishwar Singh, was inside the house.

The co-accused Shams Khan @ Shams Tabrej Khan with similar allegation has already been granted bail by this Court vide order dated 21.01.2019 passed in Cr. Misc. 2538 of



2019.

Petitioner is in custody since 29.10.2018 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, 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 **learned Chief Judicial Magistrate, Motihari, Distt. East Champaran,** in connection with **Chhatauni P.S. Case No. 276 of 2018,** subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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