

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4138 of 2019

Arising Out of PS. Case No.-157 Year-2018 Thana- DHANAHA District- West Champaran

Parma Nishad, Son of Yogendra Nishad, Resident of Village- Parwa Bairwa
Tola (Baira Tola Barwa), P.S.- Dhanaha, District -West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastri(App 47)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 11.11.2018 in a case registered for the offences punishable under Sections 147, 304, 323, 341, 447, 448, 149, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Santosh Nishad submitted to the S.H.O., Dhanaha P.S. is to the effect that on 10.08.2018, there was a quarrel between the son of the informant, Pankaj Nishad and Rohit Nishad, son of co-accused Mahendra Nishad. In the meantime, the son of the informant came and narrated about the incident to his mother and intimated her that one Asha Devi has assaulted him. Thereafter, the wife of the informant, Usha Devi made a complaint to co-accused, Mahendra Nishad and thereafter, seven



FIR named accused persons including the petitioner, came to the house of the informant in the evening and assaulted the informant's wife and informant's brother's wife. When the father of the informant, Manager Nishad came to rescue them, then co-accused Pappu Nishad assaulted him with lathi and danda. Subsequently, during the course of treatment, the father of the informant succumbed to the injuries.

It is submitted by learned counsel from the petitioner that for the occurrence of 10.08.2018, FIR has been registered at 12.08.2018. It is further submitted that specific accusation of assaulting the father of the informant is against the co-accused, Pappu Nishad. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is member of the assaulting party.

Considering the fact that the specific accusation of assaulting the father of the informant is against the co-accused Pappu Nishad, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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
A.C.J.M., Bagaha, West Champaran in connection with
Dhanaha P.S. Case No.157 of 2018.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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