

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17417 of 2019

Arising Out of PS. Case No.-331 Year-2018 Thana- PAROO District- Muzaffarpur

SUDHIR KUMAR SINGH @ SUDHIR SINGH Son of Late Baidyanath
Singh Resident of Village - Chochani, P.S.- Paroo, Distt - Mazaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 30.08.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 385, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of Ajay Kumar, recorded by S.I. Pramod Kumar Yadav on 29.08.2018 at 6.45 P.M. to the effect that on the same day, the informant, his brother Arun Kumar, nephew Pankan and a co-villager Santosh went to the orchard. In the meantime, co-accused Gayatri Devi started abusing them and thereafter all the accused persons, including the petitioner variously armed



came there, thereafter, on the order of the petitioner Sudhir Kumar Singh to kill, the co-accused Dhiraj Kumar resorted indiscriminate firing and subsequently the petitioner Sudhir Kumar Singh also resorted to fire, as a result, the informant, his brother and his nephew received injuries. It is further alleged that co-accused Gayatri Devi and three other unknown co-accused persons also assaulted with lathi and rod.

It is submitted by learned counsel for the petitioner that the accusation of firing has been levelled against the petitioner as well as co-accused Dhiraj Kumar, but the FIR does not suggest that whose firing actually caused injury to which person. It is further submitted that the accusation has been levelled in the background of serious litigated land dispute and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the informant that there is specific accusation of firing against the petitioner and co-accused Dhiraj Kumar. It is further submitted that in the said incident, the informant, his brother and nephew received multiple injuries which have been found grievous.

Considering the fact that the accusation of firing



has been levelled in the background of land dispute and the investigation already being concluded coupled with 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 ACJM-III, West, Muzaffarpur in connection with Paru P.S. Case No. 331 of 2018.

(Dinesh Kumar Singh, J)

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