

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65390 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- RAHIKA District- Madhubani

Rahul Kumar, Son of Kalikant Chaudhary, Resident of Village-Bhachhi
Utarbari Tola, P.S. Rahika, Distt.-Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Sri Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 07-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 27.05.2017 in a case registered for the offences punishable under Sections 341, 323, 324, 307, 302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case as per the fardbeyan of Ram Bahadur Mukhiya recorded by Arun Kumar Roy, SHO of Town P.S. Madhubani on 28.05.2017 at 02.05 P.M. at Sadar Hospital Campus, Madhubani is to the effect that on 27.05.2017 at 3.30 P.M., the younger brother of the informant, Pradeep Kumar went to the river for grazing the oxen, but he was being chased by the dog of Kalikant Chaudhary started chasing him then the brother of the informant threw a brick on the dog, whereupon, the eight FIR named accused persons including the petitioner



assaulted the brother of the informant. Thereafter, he came home and conveyed the incident to his family members, whereupon, the father of the informant, Bhola Mukhiya and sister, Arti Devi went to make complaint about the said incidence, and, as soon as, they reached to the house of Kalikant Chaudhary, the eight FIR accused persons assaulted with scissors and knife, as a result, the father and sister of the informant, Bhola Mukhiya and Arti Devi died.

It is submitted by learned counsel for the petitioner for the occurrence of 27.05.2017 at 3.30 P.M., the fardbeyan recorded on 28.05.2017 at 2.05 P.M. and the FIR was registered on 28.05.2017 at 4.20 P.M. There is omnibus and general accusation against eight accused persons to have assaulted the victim and considering the omnibus and general accusation, the two ladies accused Sangyan Devi and Arati Kumari have been granted bail by a co-ordinate Bench vide order dated 27.04.2018 passed in Cr. Misc. No. 12442 of 2018. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that, though, the accusation is omnibus and general but for a petty dispute, two persons of the family of the informant



have been killed.

Considering the delayed lodging of the case, accusation being omnibus and general, particularly, in view of the specific accusation of assault by eight accused persons when Arti Devi received only two injuries and Bhola Mukhiya received five injuries, coupled with the statement made in paragraph 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 Additional Sessions Judge 6th, Madhubani in connection with Sessions Trial No. 246 of 2018, arising out of Rahika P.S. Case No. 65 of 2017 (C.R.I. Case No. 960 of 2017).

(Dinesh Kumar Singh, J)

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