

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45005 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- RIGA District- Sitamarhi

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Sonu Kumar @ Sonu Kumar Singh Son of Vinod Singh Resident of Village-
Kharsan, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate

Mr. Rashid Izhar, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-10-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

The petitioner seeks bail in **Riga P.S. Case No. 07 of 2019**, registered for the offences punishable under Sections 447, 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that on 05.01.2019, the accused persons including this petitioner armed with weapons were constructing house on the land of informant which was objected by the father of informant. Thereafter, co-accused Raushan Kumar assaulted the father of informant on his head by means of Garasa which caused injury to him. Other accused persons are alleged to have assaulted informant's father by means of iron rod, lathi etc.



It is submitted by learned counsel appearing on behalf of petitioner that there is general and omnibus allegation against the petitioner. Specific allegation of assault is against co-accused Raushan Kumar. From perusal of paragraph 28 of case diary, it appears that there is different version of prosecution. Co-accused Raushan Kumar is alleged to have assaulted the father of informant by means of lathi whereas, in the F.I.R allegation against Raushan Kumar is that he assaulted the informant's father by means of Garasa, which shows the falsity of case. Both the parties are Gotia and there is land dispute. Petitioner is in custody since 26.04.2019 having clean antecedent. Charge-sheet has already been submitted.

Learned counsel for the informant vehemently opposed the prayer for bail submitting that petitioner is one of the assailants and due to assault given by the accused persons, the informant's father died on the spot.

Considering the facts aforesaid and the fact that there is no specific allegation against this petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Judicial Magistrate Ist Class, Sitamarhi** in connection with **Riga P.S.**



Case No. 07 of 2019 subject to the following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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