

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55847 of 2019

Arising Out of PS. Case No.-138 Year-2019 Thana- BARHARA District- Bhojpur

1. Aash Narayan Bind @ Aash Narayan Prasad, Son of Rajendra Bind Resident of Village - Semariya, P.S.- Barhara, Distt - Bhojpur.
2. Kamlesh Kumar @ Kamlesh Bind, Son of Shobhlayak Bind Resident of Village - Semariya, P.S.- Barhara, Distt - Bhojpur.
3. Prabhakar Prasad @ Prabhakar Bind, Son of Shobhlayak Bind Resident of Village - Semariya, P.S.- Barhara, Distt - Bhojpur.
4. Manjhi Prasad @ Manji Bind Son of Late Ramlayak Bind Resident of Village - Semariya, P.S.- Barhara, Distt - Bhojpur.
5. Rajendra Prasad @ Rajendra Bind Son of Late Niwas Bind Resident of Village - Semariya, P.S.- Barhara, Distt - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Pratap Singh
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-09-2019 Learned counsel appearing on behalf of the petitioners is permitted to make necessary correction in the prayer portion of the petition.

Learned counsel appearing on behalf of the petitioner seeks permission to withdraw the application filed on behalf of the petitioner No.3, namely, Prabhakar Prasad @ Prabhakar Bind son of Shobhlayak Bind.

In view of the above, the application filed on behalf of the petitioner No.3 Prabhakar Prasad @ Prabhakar Bind is dismissed as withdrawn.

Heard learned counsel for the petitioner Nos. 1,2, 4



and 5 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barhara P.S. Case no. 138 of 2019, registered under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 302 of the Indian Penal Code.

The accusation is that on 19.04.2019 at about 10.00 P.M. the Barat party was started assembling in Samyana fixed near house of informant and Manoj Saw, but at that time, thresher was being run by Manrakhan Bind and Jai Lal Bind and dust was spreading. When family members of the informant asked to Manrakhan Bind to stop the thresher then 24 persons named in the F.I.R. including petitioner Nos. 1, 2, 4 and 5 having lathi danda, bricks and stone in their hands started causing assault and pelting stones in which Vijay Saw and Faguni Saw, family members of the informant, sustained injuries. While Faguni Saw rushed for treatment at Sadar Hospital, Bhojpur and was referred to PMCH, Patna, but he died in course of treatment.

Sri Baksi S.R.P. Sinha, Sr. Advocate, appearing for petitioner Nos. 1, 2, 4 and 5 submits that while general allegation has been made against the 24 persons named in the F.I.R. including petitioner No. 1, 2, 4 and 5, but only one head injury was found over the dead body of deceased Faguni Saw. The statement of Saguni Saw, brother of the deceased, was



recorded at 10.45 AM on 21.04.2019, who disclosed the name of nine persons with specif allegation against Prabhakar Bind to give iron rod blow at the head of deceased. In fact the petitioners No. 1, 2, 4 and 5 being the co-villager present near Barat Party have also been implicated in this case.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Ara at Bhojpur in connection with Barhara P.S. Case No. 138 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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