

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62438 of 2019

Arising Out of PS. Case No.-80 Year-2019 Thana- GORIAKOTHI District- Siwan

PRAMOD KUMAR UPADHYAY, S/o Sri Raj Deo Upadhyay, R/o Village-Khagani, P.S.- Goreakothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 07.05.2019 in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The prosecution case is that the informant along with his father, namely, Ravindra Upadhyay were returning back to home from Mustafabad market, but on the way, nine accused persons, named in the FIR, including the petitioner, started assaulting the father of the informant with sharp cut weapon. However, the informant in order to save himself, escaped from the place of occurrence, but after sometime, when he came there along with the villagers, he found his father dead. The genesis of the occurrence is earlier land



dispute.

It is submitted by learned counsel for the petitioner that from the FIR, admittedly, the informant is not an eye to the alleged occurrence. The accusation of assault is omnibus and general against all the accused persons, including the petitioner, and the petitioner has been named in the background of earlier title suit, pending between the parties. It is further submitted that similarly situated co-accused, Rajdeo Upadhyay has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.10.2019 passed in Criminal Miscellaneous No. 54171 of 2019 and 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 named in the FIR with specific accusation.

Considering the fact that accusation of assault has been levelled against nine accused persons in the background of litigated relationship between the parties when the post-mortem report of the informant reflects only five injuries, admittedly the informant is not an eye witness to the occurrence, similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, 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 CJM, Siwan in connection with Goreakothi P.S. Case No. 80 of 2019.

(Dinesh Kumar Singh, J)

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