

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4778 of 2020

Arising Out of PS. Case No.-217 Year-2019 Thana- KHODAWANDPUR District- Begusarai

1. Pawan Kumar Singh @ Pawan Singh @ Pawan Prasad Singh, S/o Late Brahdeo Prasad Singh @ Late Brahmdev Prasad Singh Resident of Village- Meghaul, P.S.- Khodawandpur, Distt- Begusarai
2. Awadhesh Kumar Singh@ Awadhesh Singh@ Awadhesh Kumar@ Awadhesh Prasad Singh@ Kanhaiya Singh@Kanhaiya S/o Late Nandan Prasad Singh @ Ramnandan Singh Resident of Village- Meghaul, P.S.- Khodawandpur, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 354B, 504, 506 and 34 of the Indian Penal Code

The prosecution case as per the fardbeyan of Alok Kumar recorded by S.I. Kapildev Kumar, Kodawandpur Police Station, on 20.10.2019 at 4:00 P.M., is the effect that on 20.10.2019 when the informant was at market, he received information that co-accused Shambhu Narain Singh and his family members are assaulting the brother and sister in-law of the informant. When the informant reached at his house all the seven accused persons including the petitioners variously armed



started assaulting the informant. It is specifically alleged that co-accused Kanhaiya Kumar, Pushpak Kumar and Manroranjan Kumar assaulted on the hand of the informant with an iron rod. Whereas, co-accused Shambhu Narain Singh and others assaulted on the testicle of the informant with a bamboo. It is further alleged that when brother and sister in-law of the informant came to rescue they were also assaulted and sister in-law's modesty was outraged by the accused persons.

It is submitted by learned counsel for the petitioners that general and omnibus accusation has been made against the petitioners in the background of earlier property dispute. Though specific accusation of assault is made against Shambhu Narain Singh. It is further submitted that seven accused persons are alleged to have assaulted the informant with iron rod but only one injury has been found on the vital part of the body. The petitioners and informant are agnate and Khodawandpur P.S. Case No. 187 of 2019 had been lodged by petitioner no. 2 at earlier point of time against the petitioners and apart from the present case, the petitioner no. 2 is accused in two other cases whereas, petitioner no. 1 is accused in one other case but both the petitioners are on bail in respective cases.

Considering the accusation of assault being omnibus



and general against the petitioners in the background of dispute of partition of property and nature of injury, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned Sub Divisional Judicial Magistrate, Manjhaul, Begusari, in connection with Khodawandpur P.S.Case No. 217 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Rahul/Gautam-

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