

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25483 of 2020

Arising Out of PS. Case No.-154 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

ANIL SINGH @ ANIL KUMAR SINGH Son of Late Lalu Singh R/o Village
- Milki, P.S. - Udwanthnagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-09-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Udwanthnagar P.S. case No. 154/2019 registered u/s 147, 148, 149, 341, 323, 307, 302 of the IPC.

The informant, Pawan Kumar, in sum and substance, alleged, after naming the petitioner and other accused persons, that the accused persons having armed with different weapons came to the land of the informant and started constructing boundary wall of brick. The informant and his uncle Mohan Singh, Munilal and other family members objected. It is alleged that Laldhari Singh assaulted Mohan Singh with spear on his head and blood started oozing out. Bachcha Singh assaulted



Munilal with iron rod on his head and other accused persons assaulted Bua (father's sister) of the informant. During the course of treatment Mohan Singh succumbed to the injuries.

The learned counsel for the petitioner submits that Laldhari Singh assaulted Mohan Singh. Bachcha Singh assaulted Munilal, uncle of the informant. Other accused persons, including the petitioner, assaulted Bua of the informant but Mohan Singh died on account of injury found on his head. Author of the injury is Laldhari Singh. Punch Raj Singh, Jajan Singh, Upendra Singh, Bachcha Singh have already been granted bail. Laldhari Singh is assailant of Mohan Singh whose bail has already been rejected by a coordinate bench of this court vide order passed in Cr. Misc. No. 87262/2019. It is further submitted that there is counter version being Udwantnagar P.S. case No. 155/2019. The petitioner is not the assailant of the deceased. In fact no specific allegation of assault is made against the petitioner.

The learned APP, however, opposed the prayer for bail.

It appears that, of course, the petitioner is named in the FIR but specific allegation of assault is against Laldhari Singh, who is alleged to have assaulted Mohan Singh with



spear. Bachcha Singh is alleged to have assaulted Munilal with iron rod. Bua of the informant is alleged to have been assaulted by petitioner and other accused persons. No specific allegation of assault is made against the petitioner. Similarly situated other accused persons have already been granted bail except Laldhari Singh, who is assailant of the deceased, Mohan Singh.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Udwantnagar P.S. case No. 154/2019.

(Prabhat Kumar Jha, J)

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