

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18819 of 2020

Arising Out of PS. Case No.-71 Year-2019 Thana- HATHIDAH District- Patna

1. SUMAN KUMAR Son of Sunil Singh Resident of Village-Mahendrapur, P.O. and P.S.-Hathidah, District-Patna, Bihar.
2. Santosh Kumar @ Futru Son of Sunil Singh Resident of Village-Mahendrapur, P.O. and P.S.-Hathidah, District-Patna, Bihar.
3. Bago Singh Son of Sunil Singh Resident of Village-Mahendrapur, P.O. and P.S.-Hathidah, District-Patna, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-06-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Hathidah P.S. Case No.71 of 2019 registered for the offence punishable under Sections 341, 323, 307, 504 and 506/34 and subsequently Section 302 of the Indian Penal Code.

It is alleged that five persons, named in the First Information Report, had assaulted the deceased, the informant's wife, and his sister-in-law (bhabhi). It is also mentioned in the First Information Report that certain dispute over casting of drainage slabs was the reason behind the alleged occurrence. The informant learnt about the occurrence when he came back to his house from somewhere else and found the two victims



lying unconscious and blood oozing out from their body. After 14 days of occurrence, the informant's wife died.

Learned counsel for the petitioners has submitted that informant is surely not an eyewitness even as per the First Information Report. He further contends that there is general and omnibus allegations against all the five persons named in the First Information Report. He has thirdly submitted that the injury report shows only one grievous injury in the head of the deceased. He contends that it is highly improbable that the deceased would have sustained only one injury after having been assaulted jointly by five persons with *lathi* and *danda*, leading to her death. He has further argued that the informant and the petitioners are agnates and the First Information Report has been registered because of land dispute between them.

Considering the nature of allegation in the First Information Report and the fact that the petitioners are in custody since 16.11.2019, 23.12.2019 and 13.01.2020 respectively, this application is allowed.

Let the petitioners, above named, be released on bail 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 A.C.J.M.IV, Barh, in Hathidah P.S. Case No. 71 of



2019.

(Chakradhari Sharan Singh, J)

Pawan/-

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