

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16299 of 2020

Arising Out of PS. Case No.-277 Year-2019 Thana- MAIRWAN District- Siwan

1. PAWAN KUMAR Son of Sheoji Singh
2. Abhishek Kumar @ Pappu Kumar Son of Sheoji Singh
Both are residents of Village - Maidania, P.S.- Mairwa, District- Siwan,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-06-2020 Heard both sides through Video Conferencing.

The petitioners seek bail in Mairwa P.S. Case No.277 of 2019 registered under Sections 341, 323, 324, 307, 302 and 34 of the Indian Penal Code.

The informant, the son of the deceased, alleged that on 20.10.2019 at about 8 in the morning, his mother(Kamlawati Devi) was returning from her field and when she reached her darwaza, Sheoji Singh, Subhash Chandra Singh, Mira Devi, Pawan Kumar(petitioner No.1), Abhishek Kumar(petitioner No.2), Brajesh Kumar and Satyendra Kumar surrounded his mother. Subhash Chandra Singh @ Chhotelal Singh assaulted his mother with spade on her head and Sheoji Singh assaulted



his mother with hammer on her head. Having received blow made by Subhash Chandra Singh and Sheoji Singh, her mother got injury on head and blood oozing and when the informant and other family members went to save, the accused persons also assaulted them.

The learned counsel for the petitioners submits that deceased is the mother of the informant. Subhash Chandra Singh and Sheoji Singh are the assailants of the mother of the informant. No overt act is alleged against the petitioners. Save and except the fact that the petitioners surrounded the mother of the informant, the petitioners are not alleged to have assaulted the mother of the informant. The occurrence took place due to land dispute. The informant and others did not receive any grievous injury. The petitioners are not specifically alleged to assault the informant and his family members but only omnibus and general allegation is made against the petitioners.

Learned A.P.P. however opposed the prayer for bail.

Perusal the F.I.R. There is specific allegation against Subhash Chandra Singh and Sheoji Singh that they assaulted on the head of the mother of the informant with spade and hammer causing injury on head and mother of the informant died on account of such injury found on the head. Petitioners are not



assailants of the deceased. No specific allegation of assault is made against the petitioners.

Considering the facts aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VII, Siwan in connection with Mairwa P.S. Case No.277 of 2019.

(Prabhat Kumar Jha, J)

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