

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23009 of 2020

Arising Out of PS. Case No.-227 Year-2018 Thana- BHAWANIPUR District- Purnia

1. SONU SINGH @ SONU KUMAR SINGH @ SONU KUMAR Son of Shubhankar Singh Resident of Village - Akbarpur, P.S.- Bhawanipur (Akbarpur), District - Purnia.
2. Shivam Kumar @ Shivam Singh @ Shivam Kumar Son of Shubhankar Singh Resident of Village - Akbarpur, P.S.- Bhawanipur (Akbarpur), District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Md. Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-10-2020 Heard Mr. Bijendra Kumar Singh, learned counsel for the petitioners and Md. Sufyan, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Bhawanipur P.S. Case No. 227 of 2018 (Sessions Trial No. 405 of 2019 (SGR-4246 of 2018), registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324 and 302 of the Indian Penal Code 1860.

The allegation against the petitioners as per the First Information Report is that they along with other accused persons assaulted the son of the informant by means of various weapons and there is specific allegation of assault against



petitioner No. 1 that he assaulted the victim by means of iron rod and *Gupti* whereas the petitioner No. 2 assaulted him by means of *Dabia*.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and motive behind the occurrence is due to land dispute and village politics. Learned counsel further submits that eight persons including the petitioners are named in the First Information Report and allegations against all of them are general and omnibus in nature. Learned counsel also submits that co-accused Subhankar Singh has been granted regular bail by a co-ordinate Bench of this Court vide order dated 01.10.2019 passed in Cr. Misc. 24087 of 2019.

On the other hand, learned counsel for the State referring to the case diary submits that there is specific allegation of assault on the person of the victim (since deceased) against the petitioners that they assaulted the deceased by means of iron rod, *Gupti* and *Dabia*. Learned counsel further submits that several injuries have been found on the vital part of body of the deceased and cause of death is due to multiple injuries by hard and blunt substance as well as sharp pointed weapon. Learned counsel referring to the impugned order submits that



learned court below has distinguished the bail granted to father of the petitioners and has come to the finding that allegation against father of the petitioners is totally different than that of the petitioners who attacked the informant Jawahar Singh on his left hand, due to which, he received simple injury on his hand.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that there is specific allegation of assault against the petitioners and the several injuries have been found on the person of the deceased caused by hard and blunt substance as well as sharp pointed weapon, I am not inclined to grant regular bail to the petitioners at this stage.

Accordingly, prayer for regular bail of the petitioners stands rejected.

However, the petitioners may renew their prayer for bail after one year if the trial does not show any progress.

(Anil Kumar Sinha, J)

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