

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27507 of 2020

Arising Out of PS. Case No.-67 Year-2019 Thana- BELCHHI District- Patna

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SANDEEP KUMAR @ PAPPU KEWAT @ PAPPU KEWAT @ SANDEEP KUMAR Son of Sudhi Kevat @ Sudhir Kevat Resident of Village - Bakra, P.S. Bind, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Md. Mushtaq Alam, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-12-2020 Heard the learned counsel for the petitioner and Md. Mushtaq Alam, the learned APP for the State.

The petitioner seeks regular bail in connection with Belchhi P.S. Case No. 67 of 2019, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 307, 302 and 504 of the Indian Penal Code.

The prosecution case in brief, as contained in the fardbeyan of informant, Pintu Kumar, is that on 02.11.2019 at about 9:00 AM, the informant went to plough his land at Gangti with the help of this tractor. In the meantime, Ram Pravesh Raut and



seventeen others, named accused persons, including this petitioner arrived there, armed with arms and ammunition and started abusing him and also stopped his ploughing work. The accused persons are alleged to have assaulted the father of the informant by rod and when the brother of the informant, namely, Chintu Kumar, tried to rescue him, they all had brutally assaulted Chintu Kumar. Chintu Kumar, thereafter, died in Emergency Ward on 03.11.2019 at about 1:30 AM.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 04.11.2019. It is further submitted that altogether 18 persons including the petitioner herein have been named in the FIR and a general and omnibus allegation of assaulting the brother of the informant with lathi has been levelled against them, however, the postmortem of the deceased reveals three external injuries and on dissection, injuries sustained by the deceased on the head has been stated to be fatal



in nature. It is further submitted that old land dispute exists between the parties and the petitioner has not been alleged to have engaged in any sort of specific overt act. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court vide order dated 01.06.2020 passed in Criminal Miscellaneous No. 15215 of 2020 and order dated 11.11.2020 passed in Criminal Miscellaneous No. 28494 of 2020.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also in the case diary in question, this Court finds that a general and omnibus allegation of assault has been levelled against all the accused persons and there is no allegation of any specific overt act having been engaged in by the petitioner herein and moreover, similarly situated co-accused persons



have already been granted bail by coordinate Benches of this Court, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Barh, Patna in connection with Belchhi P.S. Case No. 67 of 2019.

(Mohit Kumar Shah, J)

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