

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33101 of 2020

Arising Out of PS. Case No.-89 Year-2020 Thana- DURAULI District- Siwan

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1. UMESH GOND Son of Late Faujdar Gond Resident of Village - Chakari, P.S. - Darauli, District - Siwan
 2. Rudal Gond Son of Late Faujdar Gond Resident of Village - Chakari, P.S. - Darauli, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-12-2020 In view of the submission and the undertaking of the learned counsel for the petitioner, at the time of hearing of this application through video conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 04.12.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Darauli P.S. Case No. 89 of 2020, registered under Sections 341, 323, 324, 325, 307, 379, 504 and 506/34 of the Indian



Penal Code.

The accusation is that in the late evening of 04.05.2020, informant Kamleshwar Dwevedi was draining out water from fishing pond, at that time, Rajendra Manjhi and Rudal Gond (Petitioner No.2) forbade him saying that they have filed application before the Circle Officer for stopping fishing from the pond, then informant Kamleshwar Dwevedi replied that he will talk to Circle Officer. Thereafter, both moved from there. After one hour, the informant and his cousin Katikey Dwevedi proceeded for house boarding on motorcycle and when they reached at teenmohani near water tank then Rajendra Manjhi, Dhanesh Manjhi, Raju Manjhi, Kabootri Devi, Durgawati Devi, Puja Kumari, Rudal Gond (Petitioner no. 2), Umesh Gond (Petitioner No.1), variously armed with weapons, surrounded him. At that time, Raju Manjhi gave Farsa blow at his head causing blood oozing injury as a result informant fell down. Thereafter, Rajendra Manjhi, Dhanesh Manjhi, Kabootri Devi, Durgawati Kumari and Puja Kumari caused fracture injury at his right hand. At that time, petitioners caused injury to his cousin Katikey Dwevedi. At that time, Umesh Gond (Petitioner No.1) snatched cash of Rs. 10,000/-, which was kept after selling the



fish, later on, informant died in course of treatment.

Learned counsel appearing for the petitioners submits that it would appear from the F.I.R. that petitioners were the member of mob and petitioners are not the assailants. Further submission is that allegation against the petitioners to cause injury to Katikey Dwevedi, cousin of informant. The petitioners are in custody since 23.05.2020.

On the other hand, Sri Parth Gaurav, learned counsel appearing on behalf of informant opposed the prayer for bail of the petitioner with submission that informant Kamleshwar Dwevedi succumbed to his injury caused by petitioners and others persons named in the F.I.R.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to 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-III, Siwan in connection with Darauli P.S. Case No. 89 of 2020.

(Rajendra Kumar Mishra, J)

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