

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72161 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- UJIYARPUR District- Samastipur

1. Upendra Prasad @ Upendra Kumar, Son of Late Balgovind Mahto Resident of Village - Belamegh, P.S.- Ujiyarpur, Distt - Samastipur.
2. Dayanand Arya @ Dayanand Prasad Arya Son of Late Mahavir Arya Resident of Village - Belamegh, P.S.- Ujiyarpur, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners, learned counsel appearing for informant and the learned A.P.P. for the State.

The petitioners seek bail in connection with Ujiyarpur P.S. Case No. 195 of 2019, registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that Sant Kumar Singh, husband of informant Sunita Kumar Verma, was returning to his house from Lalu Chowk at about 10.00 P.M. on 01.09.2019 boarding on motorcycle, when husband of informant reached near the house of Devnarayan Mahto in village-Mahthi, then Parmanand Prasad, Rudra Pratap Arya, Dayanand Arya



(Petitioner No.2), Upendra Prasad (Petitioner No.1) and Amresh Kumar along with two known reached there boarding on three motorcycle. At that time, Shrawan Kumar and Jagdish Singh along with others were also passing through that road and they saw that the aforesaid persons shot fire at her husband. The cause of occurrence is of land dispute regarding which the case is pending and the husband of informant was doing pairvi in that case.

Learned counsel for the petitioners submits that while it would appear from the F.I.R. that Shrawan Kumar and Jagdish Singh along with others were also passing through the place of occurrence and they saw the occurrence, but from paragraph Nos. 9 and 21, it appears that they are not the eye-witness of the occurrence, rather, they claimed to identify the petitioners and other moving from place of occurrence. Further submission is that petitioners have no criminal antecedent and they are in custody since 03.09.2019 and on investigation, the Police submitted Chargesheet against the petitioners.

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 S.D.J.M. Dalsinghsarai, Samastipur in connection with Ujiyarpur P.S. Case No. 195 of 2019.

(Rajendra Kumar Mishra, J)

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