

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77859 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- KISHUNPUR District- Supaul

1. LALAN SWARNKAR @ LALAN KUMAR Son of Umesh Swarnkar Resident of Village - Belhi Shivapuri, P.S.- Kishanpur, Distt - Supaul.
2. Suraj Kumar Son of Kamu Swarnkar Resident of Village - and P.S.- Sour Bazar, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80863 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- KISHUNPUR District- Supaul

1. UMESH SWARNKAR Son of Surya Narayan Swarnkar Resident of Village- Belhi Shivapuri, P.S.- Kishanpur, District- Supaul
2. Suresh Swarnkar Son of Late Surya Narayan Swarnkar Resident of Village- Belhi Shivapuri, P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 77859 of 2019)

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha
Mr. Arun

(In CRIMINAL MISCELLANEOUS No. 80863 of 2019)

For the Petitioner/s : Mr.Murari Narain Chaudhary

For the Opposite Party/s : Mr.Sanjay Kumar @ S.K.
Mr. Arun

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 17-03-2020

Heard learned counsel for the parties.

Both these applications for regular bail arise out of Kishanpur P.S. Case No. 154 of 2019, disclosing offence punishable under Sections 302/34 of the Indian Penal Code.



There is allegation in the FIR of indiscriminate assault made by all the persons named in the FIR with *lathi* leading to death of the deceased.

Learned counsel appearing on behalf of the petitioners has submitted that the postmortem report does not corroborate the accusation made in the FIR, inasmuch as, only one injury has been found on the body of the deceased, who died of cardiac arrest.

Learned counsel appearing on behalf of the informant, opposing the prayer for bail, however, has submitted that it was a cumulative effect of assault made by all the persons named in the FIR, because of which the deceased died.

However, on perusal of the FIR and the case diary, I find substance in submission made on behalf of the petitioners. These applications are allowed. Let the petitioners, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), each with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Supaul in Kishanpur P.S. Case No. 154 of 2019.

(Chakradhari Sharan Singh, J)

Rajesh/-

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