

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18444 of 2021

Arising Out of PS. Case No.-179 Year-2020 Thana- KAKO District- Jehanabad

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Satish Kumar (Male), aged about 25 years, Son of Siyaram Sharma @ Siya Ram Prasad, R/O Village- Murasa, P.S- Kako (Bhelawar) Dist- Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate.

For the Opposite Party : Mr. Ram Bilash Roy 'Raman', A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-08-2021 A Mentioning Slip has been filed on 11.08.2021 by learned counsel for the petitioner stating therein that the petitioner is a young boy and his examination of U.P.S.C. is going to be held on 05.09.2021. Hence, he prays that this case may be taken up out of turn.

Considering the grounds mentioned in the Mentioning Slip, this case is taken up out of turn.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.



The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 504, 506 and 302/34 of the I.P.C.

The prosecution story, in brief, is that on 31.08.2020 at about 11.30 A.M., the father of the informant, namely, Rama Sharma, was returning to his house from the field. In the meantime, all the accused persons who were sitting at their door, attacked on him with the sharp weapon, rod, Lathi and Danda causing head and leg injuries. When the mother and sister-in-law (*Bhabhu*) of the informant came to rescue his father, they were also assaulted by the accused persons. On hulla, accused persons fled away. The father of the informant sustained injury on the head, left leg and got fractured in his leg. He became unconscious and fell down. He was taken to hospital and ultimately died. The reason behind the occurrence is that the father of the informant got sale deed from one Usha Devi on 18.08.2020 and the accused persons were threatening that they will not allow him to use the purchased land.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated



in the present case. The informant is not an eye witness to the alleged occurrence. Initially, general and omnibus allegation has been made. Subsequently, the informant has alleged that the petitioner is said to have assaulted on the hand of the deceased. The allegation of assault against the petitioner is on non-vital part of the body of the deceased. No fatal injury is said to have been caused by the petitioner on the deceased. The allegation of fatal injury is alleged against co-accused Manish Kumar and Siyaram Sharma.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional Chief Judicial Magistrate-Ist, Jehanabad, in connection with Kako (Bhelawar) P.S. Case No. 179 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only



with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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