

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33483 of 2021**

Arising Out of PS. Case No.-78 Year-2020 Thana- GANGABRIDGE District- Vaishali

Sohan Kumar @ Sohan Kumar Singh Son of Shiv Jee Singh Resident of
Village - Sahdullahpur, P.S.- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Mr.Manoj Kumar NO. 1, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 21-10-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Ganga Bridge P.S. Case
No. 78 of 2020, registered for the offence punishable under
Section 307 and other allied sections of the Indian Penal Code.

As per the prosecution case, while the husband of
informant Ram Babu Singh was clearing his land, this petitioner
along with other co-accused persons came there, abused him
and demanded Rs. 5,00,000/- from him for clearing the land. On
refusal, petitioner snatched the spade from the hand of
informant's husband and assaulted on his neck, as a result of
which he became unconscious and fell down on the ground.
Thereafter, petitioner and others assaulted the husband of
informant by means lathi, danda and fled away. During course
of treatment, informant's husband died.



It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case merely on suspicion. In fact, informant and others arrived there with intention to capture the land of petitioner resultantly scuffle took place between the parties and accidentally Kudali fell on the shoulder of informant's husband and he became unconscious. From postmortem report, it appears that cause of death is head injury caused by hard and blunt object. No injury has been found on neck. There is land dispute between the parties and a title suit case no. 207/2015 is pending in the Court of Sub-Judge Xth, Vaishali. Petitioner is in custody since 16.09.2020 having no criminal antecedent.

Counsel for the informant however, vehemently opposed the prayer for bail and submitted that petitioner is one of the assailants.

Considering the facts aforesaid and the nature of allegation and the fact that no corresponding injury has been found by doctor on neck, the bail application of the petitioner is allowed.

(Prabhat Kumar Singh, J)

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