

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31525 of 2020

Arising Out of PS. Case No.-140 Year-2020 Thana- BASANTPUR District- Siwan

Sonu Singh, aged about 34 years, Male, Son of Sri Doodh Nath Singh @ Dudhnath Singh @ Dudh Nath Singh, Resident of Village Sipah, Dawar Tola, P.S. Basantpur, District Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Manish Kumar No. 13, Advocate
Mr. Rohit Kumar, Advocate
For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 11-01-2021 Heard Mr. Rohit Kumar, the learned counsel appearing on behalf of the petitioner and Mr. B.N. Pandey, the learned Additional P.P.

The petitioner seeks bail in Basantpur P.S. Case No.140 of 2020, registered under Sections 147, 148, 149, 341, 323, 324, 307, 337, 338, 188, 269, 270, 271, 504 and 506 of the Indian Penal Code and under Section 51(b) of the N.D.M.A., 2005. Subsequently Section 302 of the Indian Penal Code was added.

The informant named 40 persons including the petitioner and made allegation against the accused persons that they all surrounded the informant and Rafique and assaulted them. Rafique died after having received injury on his head.



Learned counsel for the petitioner submits that it has come that Sonu Singh, Prince Ojha and Anil Mahto apprehended Rafique and Manoj Tiwary assaulted him with brick on his head. Thereafter the accused persons also assaulted Rahmuddin Ansari, the informant and both became unconscious but from perusal of the injury report of Rahimuddin, two lacerated wound were found and both are simple in nature. Rafique also got one injury on his head and on account of that injury, he died. The author of the injury is Manoj Tiwary and not the petitioner. The petitioner is in jail since 07.04.2020.

The learned Additional P.P. did not dispute the facts.

Taking into consideration the facts that the petitioner is not the assailant of the deceased, Rafique and he is in custody since 07.04.2020, the petitioner, namely, Sonu Singh is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No.140 of 2020.

(Prabhat Kumar Jha, J)

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