

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33468 of 2020

Arising Out of PS. Case No.-32 Year-2020 Thana- INARWA District- West Champaran

1. Rajan Kumar, S/o Bhuti Prasad @ Bhuti Sah, R/o Village- Barwa Parsauni, P.S.- Inarwa, Dist- West Champaran
2. Awadh Kishore Kumar, S/o Late Bechu Sah, R/o Village- Barwa Parsauni, P.S.- Inarwa, District- West Champaran
3. Ramji Sah, S/o Late Ganesh Sah, R/o Village- Barwa Parsauni, P.S.- Inarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate.
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Inarwa P.S. Case No. 32 of 2020, registered under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

The accusation is that the sacks of wheat of Beera



Patel was stolen by co-villager, Rajan Kumar and Rajesh Baitha, which was witnessed by the nephew of the informant, Reena Devi. On 24.04.2020, quarrel started in between the family of Beera Patel and Rajan Kumar then Rajan Kumar and Rajesh Baitha came in suspicion about the theft of sacks of wheat, which was disclosed by the nephew of the informant. Thereafter, 16 persons named in the FIR including the petitioners having armed with lathi, danda, iron rod and Farsa came at the house of the informant and attacked. In that course, Baijnath Sah gave iron rod blow at the head her husband, Shiv Shankar Prasad, due to which, he fell down. Thereafter, Kanhaiya Sah gave iron rod blow at the forehead of her husband, who died at the spot.

Learned counsel for the petitioners submits that it would appear from the FIR that the assailant of the deceased are Baijnath Sah and Kanhaiya Sah and only one lacerated wound was found on the forehead of the deceased, husband of the informant. Further submission is that petitioners being the co-villager of the informant, have falsely been implicated in the present case saying them as a member of mob at the time of occurrence. Further submission is that petitioners have no criminal antecedent.



Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd A.C.J.M., Bettiah, West Champaran, in connection with Inarwa P.S. Case No. 32 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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