

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2722 of 2019

Arising Out of PS. Case No.-25 Year-2018 Thana- SURSAND District- Sitamarhi

Aditya Kumar @ Belwa, Male, aged about 18 years, Son of Suraj Mishra @ Suryanarayan Thakur, through his legal guardian, namely, Pushpa Devi, who is the mother of the appellant, Resident of Village- Beli, P.S.- Dumra, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mrs.Abha Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 26-02-2021 Heard learned counsel for the appellant and learned
A.P.P. for the State.

The appeal is against the order dated 15.04.2019 passed by learned Additional District Judge-I, Sitamarhi, whereby the Bail Petition of the appellant in connection with Sursand P.S. Case No.25 of 2018 for the offences punishable under Sections 324, 307, 302/34 of the Indian Penal Code, has been rejected.

The prosecution case as alleged in the First Information Report, in brief, is that the informant Sujit Kumar gave his Fardbeyan before the Station Head Officer of Sursand Police Station on 15.02.2018 at 8.45 hours at Shanti Nursing Home, Sursand alleging therein that in the Math of his village, the fair was organized at the occasion of Shivratri and he also



came at Math to see the fair.

The informant further alleged that at about 5.15 P.M. in the evening, two boys of the village asked him that behind the Vivah Bhawan, Munna thakur of village Naraha and his 8-10 associates are assaulting his brother Manish Kumar and cousin Chandan Kumar upon which the informant along with villagers went there and saw that Munna Thakur, Deepak Thakur, Satish Kumar Mishra, Vikram Thakur, Munnu Mishra and 2-3 other friends are catching his brother Manish Kumar whereas Aditya Kumar @ Belwa (appellant herein) and Raushan Kumar gave knife blow upon the brother of the informant.

The informant further alleged that his other associates also assaulted his cousin Chandan Kumar by catching him out of whom the informant identified Gaurav Thakur @ Lakha and Dhiraj Thakur.

The informant further alleged that on his alarm, the accused persons fled away after leaving his brother and cousin towards village- Naraha. Thereafter, the informant with the help of villagers in injured condition took his brother in Shanti Nursing Home where the doctor declared his brother dead.

The informant further alleged that when he was taking his brother with the help of villager then his brother asked that



he was killed by Munna Thakur. His cousin also received knife injury, who was referred to Sadar Hospital by the doctor. The cause behind the occurrence is the previous enmity with Munna Thakur.

Learned counsel for the appellant submits that the appellant is innocent and has committed no offence. The appellant is juvenile and he has no criminal antecedent. The appellant is in jail custody since two years and four months.

In the facts and circumstances of the case, let the above named appellant be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Additional District Judge-I, Sitamarhi in connection with Sursand P.S. Case No.25 of 2018.

Accordingly, the order dated 15.04.2019 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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