

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1959 of 2021

Arising Out of PS. Case No.-306 Year-2020 Thana- GHORASAHAN District- East
Champaran

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SUNIL KUMAR, aged about 48 years (Male), Son of Birendra Kumar,
Resident Of Village- Champa pur Koiriya, P. S. - Ghorasahan, District - East
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar No. III, Advocate.

For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2021 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 147, 341, 323, 354, 302

and 420 of the I.P.C.

The prosecution story, in brief, is that on 26.07.2020

at about 6.00 P.M., all the F.I.R. named accused persons

including the petitioner forming an unlawful assembly and

holding weapons in their hands came at Electronic Shop of the

informant and surrounded the shop and Sunil Kumar



(petitioner), Anil Kumar and Bhola Kumar dragged her husband Vinay Kumar Kushwaha from his shop and assaulted him with fists and slaps. Co-accused Birendra Kumar assaulted her husband on his leg with butt of gun and this petitioner assaulted on his chest with leg and fat, due to which, vomiting started from his mouth and blood was also oozing from his nose and he became unconscious. They also assaulted the informant by fists and slaps, as a result of which, she became unveiled. Thereafter, her husband was brought to Sain Hospital, Motihari, where during the course of treatment, he died. The informant was in semi-conscious condition and cremation of the dead body of her husband was done hurriedly. The reason of the occurrence is that the deceased husband of the informant demanded money of fare of his car from accused Sunil Kumar (petitioner) and he had also given money to the accused persons to register the land and with a view to grab money, the accused persons committed the occurrence.

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 alleged date of occurrence is



26.07.2020 and the case was instituted on 03.08.2020. The informant is the wife of the deceased. The petitioner is the cousin brother of the deceased. Due to property dispute, the petitioner has falsely been implicated in the present case. From perusal of Annexure-2, it appears that the deceased was being treated at Sain Hospital, Motihari, and his death was due to chronic kidney decease. The said medical certificate has been issued by the Hospital concerned where the deceased was being treated by the doctor. There is no postmortem report on record to support the allegations as made in the F.I.R.

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 S.D.J.M., Sikrahna at Dhaka, East Champaran, in connection with G.R. Case No. 962 of 2020, arising out of Ghorasahan P.S. Case No. 306/2020, 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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