

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1744 of 2021

Arising Out of PS. Case No.-290 Year-2020 Thana- PURNEA SADAR District- Purnia

1. SIYARI URAON @ SIHARI URAON, Son of Ramsahi Uraon Resident of Village- Tappu tola Basanpur, P.S.- Purnea Sadar, District- Purnea.
2. Bihari Uraon, Son of Ramsahi Uraon Resident of Village- Tappu tola Basanpur, P.S.- Purnea Sadar, District- Purnea.
3. Vinod Uraon @ Vinod Tirki, Son of Siyari Uraon Resident of Village- Tappu tola Basanpur, P.S.- Purnea Sadar, District- Purnea.
4. Sinod Uraon @ Sinod Tirki, Son of Siyari Uraon Resident of Village- Tappu tola Basanpur, P.S.- Purnea Sadar, District- Purnea.
5. Manoj Uraon @ Manoj Minj, Son of Munka Uraon Resident of Village- Tappu tola Basanpur, P.S.- Purnea Sadar, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-08-2021 Heard Mr. Vivekanand Singh, the learned

counsel for the petitioners and Mr. Md. Hussain, learned

counsel for the informant. The State is represented by

Mr. Bharat Bhushan, learned APP.

The application with respect to petitioner no. 1

has been dismissed as withdrawn by order dated

13.07.2021.

The petitioner nos. 2 to 5 seek bail in



anticipation of their arrest in connection with Purnea Sadar P. S. Case No. 290 of 2020, dated 12.08.2020, instituted for the offences under Sections 147, 148, 149, 341 and 302 of the Indian Penal Code.

All the afore-mentioned petitioners and few others are stated to have assaulted the brother of the informant as a result of which he died.

The learned advocate for the petitioners has submitted that there is no specific accusation against any one of them and notwithstanding the fact that so many persons have said to have assaulted the victim, but he has suffered only two injuries and that also appears to be because of his falling on the ground.

As opposed to the afore-stated contentions, Mr. Hussain, learned counsel for the informant has pointed out that in the F.I.R., there is specific accusation against the petitioners of having surrounded and assaulted the deceased to death. The petitioners thereafter ran away from the place of occurrence.



This Court had called for the case-diary on 13.07.2019.

Perused the case-diary.

There is no eye-witness to the occurrence except for three to four persons of the locality who have stated that somebody had been injured by the motor-cycle of the deceased. As a result of that incident, he was surrounded and assaulted by the local people, which has led to his death.

The learned advocate for the petitioners has submitted that there was no premeditation on the part of the petitioners and that even their participation and identification is doubtful. Few of the witnesses who have narrated about the incident have not named the petitioners but, as the argument goes, it was difficult to identify those petitioners.

It is a case where a person who had met with an accident was assaulted by local people who had assembled there. Because the petitioners hail from the



locality where the accident had taken place, it has been argued, they have been made accused in this case.

Regard being had to the afore-stated facts and taking into account that the petitioner nos. 2 to 5 do not have criminal antecedents, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. I/C, Purnea, in connection with Purnea Sadar P. S. Case No. 290 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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