

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1752 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- KESARIA District- East Champaran

1. HEWANTEE DEVI WIFE OF LATE DEV NANDAN SAH RESIDENT OF VILLAGE DILAWARPUR, P.S. KESHARIYA, DISTRICT- EAST CHAMPARAN.
2. RAHUL KUMAR @ RAHUL KUMAR SAH NAND LAL SAH RESIDENT OF VILLAGE DILAWARPUR, P.S. KESHARIYA, DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh- Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 12-08-2021 Heard Mr. Binod Kumar Singh, the learned
Advocate for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Keshariya P. S. Case No.317 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 342, 302 of the Indian Penal Code.

This case was heard on 09.07.21 when this Court found that the Court below had very casually disposed off the bail petition. Some of the paragraphs of the case diary was noted but nothing was recorded in the order sheet which could have assisted this Court in disposing of this application.

This Court therefore directed the Court below to



pass a fresh order.

The fresh order passed by the Court below dated 19.07.2021 has been placed on record. This Court is yet not satisfied with this order.

However, after hearing the learned Advocate for the petitioners and on going through the paragraphs of the case diary, it appears that two of the associates of the deceased while driving their motorcycles had hit a boy. Money was demanded from them for the treatment of the aforesaid boy who hailed from the Muslim community. The associates of the deceased did not have money and so they called one Amresh Paswan for bringing the same from his home. In the meantime, the deceased also arrived at the place of occurrence. After 200 rupees was given to the victim boy and the matter appeared to have been settled, aforesaid Amresh Paswan lost his cool only on the ground that for a minor accident, the motorcyclists were made to pay Rs.200.

This dispute galvanized into a full-fledged fight but Amresh Paswan tactfully ran away from the place of occurrence. The relatives of the deceased also managed to escape. The deceased but could not escape the attack of the villagers and he was assaulted brutally leading to his death. The



petitioners are the residents of the village where the occurrence has taken place. In fact, most of the persons of the village have been made accused in this case. It becomes very obvious from the reading of the F.I.R. and the materials collected during the course of investigation that the accusation against the named accused persons is only at the instance of somebody who has provided the names of those persons.

Be that as it may, Mr. Singh, the learned Advocate for the petitioners has submitted that it was very difficult for anybody to identify the assailants especially when many persons of the village were assaulting the deceased. The deceased had not done anything except for being part of that crowd which had become angry because of 200 rupees having been taken from the motorcyclists for a minor accident. The victim succumbed to the rage of the local people who did not even know why they were assaulting the deceased.

In any view of the matter, considering the general and omnibus nature of accusation against the petitioners who are only the co-villagers and whose names have been provided to the informant by somebody else who had some enmity against them, they have been made accused in this case. The source of information about the petitioners has also not been



disclosed in the F.I.R., nor has it been disclosed during the investigation.

Regard being had to the facts afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Keshariya P. S. Case No.317 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

vikash/-

U		T	
---	--	---	--

