

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4857 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- PIPRAHI District- Sheohar

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1. Neeraj Kumar, Son of Grishnandan Kumar, R/o Village- Lalua, Piprahi, P.S.- Piprahi, Distt- Sheohar.
 2. Digvijay Kumar, S/o Grishnandan Kuamr, R/o Village- Lalua, Piprahi, P.S.- Piprahi, Distt- Sheohar.
 3. Grishnandan Kumar, Son of Late Ram Balak Kuwar, R/o Village- Lalua, Piprahi, P.S.- Piprahi, Distt- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate.
For the Opposite Party/s : Mr. Ramchndra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-08-2021 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.

Learned counsel for the petitioners seeks permission to withdraw this application as petitioner no. 1, Neeraj Kumar, has been arrested by the police.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no.1, Neeraj Kumar.

Heard learned counsel for the petitioner nos. 2 and



3, namely, Digvijay Kumar and Grishnandan Kumar, and the learned A.P.P. for the State through Video Conferencing.

The petitioner nos. 2 and 3, namely, Digvijay Kumar and Grishnandan Kumar apprehend their arrest in connection with Piprahi P.S. Case No. 205 of 2020, registered under Sections 323, 341, 302, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 15.09.2020, Nagerdra Kumar, husband of the informant, Banarsi Devi, was engaged in construction work with the help of labourers sitting on the chair. At that time, her neighbour Neeraj Kumar (petitioner no.1), Digvijay Kumar (petitioner no.2), both sons of Grishnandan Kumar (petitioner no.3) and Grishnandan Kumar (petitioner no.3) came there and started to abuse. At that time, Neeraj Kumar (petitioner no.1) pulled her husband from the chair and laid on the ground and thereafter, Neeraj Kumar (petitioner no.1) and Digvijay Kumar (petitioner no.2) started to cause assault through fist and slaps. On raising alarm, her nephew Om Prakash and villagers came there then they fled away. Thereafter, her husband was rushed to the hospital, where he was declared dead. She further claimed that earlier her husband had undergone Heart bypass surgery and due to assault on his



chest, he died.

Learned counsel for the petitioner nos. 2 and 3, namely, Digvijay Kumar and Grishnandan Kumar submits that due to land dispute, petitioner nos. 2 and 3, namely, Digvijay Kumar and Grishnandan Kumar, who are son and father have been implicated in the present case along with Neeraj Kumar (petitioner no.1) with false allegation. Further submission is that in the postmortem examination, no any external injury was found on the person of the husband of the informant. It is further submitted that petitioner no.3, Grishnandan Kumar, who is aged about 83 years, has falsely been implicated in the present case, while he was not involved in the said occurrence.

Having regard to the facts and circumstances of the case, let the petitioner no. 3, Grishnandan Kumar, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar, in connection with Piprahi P.S. Case No. 205 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the prayer for pre-arrest bail of petitioner



no. 2, namely, Digvijay Kumar, is concerned, taking into consideration the nature of allegation against him, I am not inclined to grant anticipatory bail to him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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