

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.33874 of 2021**

Arising Out of PS. Case No.-28 Year-2017 Thana- WAJIRGANJ District- Gaya

1. SARA KH SINGH @ BIRENDRA SINGH Son of Late Ram Dev Singh  
Resident of Village- Kadauna, P.S.- Wazirganj, District- Gaya
2. MUNNA SINGH @ MIRTUNJAY SINGH Son of Shri Sunil Kumar Singh  
Resident of Village- Kadauna, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

3      03-01-2022                      Heard learned senior counsel for the petitioners Sri  
Ajay Kumar Thakur and Sri Ganesh Prasad Singh learned APP  
for the State.

Petitioners seek bail in connection with Wazirganj P.S.  
Case no. 28 of 2017 dated 15.1.2017 registered for the offence  
punishable under sections 341, 323, 325, 307, 354, 504, 427,  
379 and 302/34 of the Indian Penal Code.

Learned senior counsel for the petitioners submits that  
the informant alleges that named accused persons in the FIR  
including the petitioners entered into the house of the informant  
on 15.1.2017 and assaulted his family members including his  
father, mother and wife. It is further alleged that accused



persons threw father of the informant from the roof of the house who sustained injury on head and was bleeding from nose and ear and was taken to hospital where he was referred to Magadh hospital, Gaya. Learned senior counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant has deliberately concealed his relationship with the petitioners, it is submitted that petitioner no.1 who is aged about 68 years is cousin uncle of the informant and cousin brother of the deceased while petitioner no.2 is nephew of the deceased and cousin brother of the informant. Learned senior counsel submits that it does not stand to reason that father of the informant was thrown from the roof of the house and the informant had not witnessed the occurrence, the fact that the informant has not named any of the accused with specific allegation that who threw his father from the roof, same makes allegation general and omnibus in nature. Learned senior counsel submits that since the informant has not specifically alleged that who committed the occurrence and the petitioners are own relatives of the deceased as such they have been roped in the present case to settle the score pertaining to land dispute. It is submitted that co-accused Krishna Kumar has been granted bail vide order dated 01.07.2019 in Cr. Misc. no. 26070/2019.



Learned APP opposes the prayer for bail.

Considering the facts that petitioners are in jail custody since 8.2.2021, are persons with clean antecedent and charge sheet has been submitted and co-accused has been granted bail, petitioners are directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate I, Gaya in Wazirganj P.S. Case no. 28 of 2017.

**(Satyavrat Verma, J)**

s.hassan/-

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