

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35891 of 2021**

Arising Out of PS. Case No.-196 Year-2019 Thana- MOHIUDDIN NAGAR District-
Samastipur

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VIRU KUMAR @ BIRU KUMAR HARISH CHANDRA RAY RESIDENT
OF VILLAGE- KURSAHA, P.S.- MOHIUDDIN NAGAR, DISTRICT-
SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 06-01-2022 Heard Mr. Yogesh Chandra Verma, learned senior

counsel for the petitioner and Ms. Pushpa Sinha, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner seeks regular bail in connection with
Mohiuddin Nagar P.S. Case No. 196 of 2019 registered for the
offence punishable under Sections 147, 148, 149, 302, 307, 323,
324, 325, 341, 342, 379 and 506 of the Indian Penal Code 1860.

As per the First Information Report the petitioner
along with other co-accused persons having *lathi, danda* and
iron rod, assaulted the father of the informant and one Nitish
Kumar. It has further been alleged that the petitioner along with
co-accused Chandan Kumar caught hold the uncle of the



informant, namely, Jai Jai Rai, when he came in order to save the informant. Other accused persons also came and assaulted him. In the meantime, co-accused Sushil Kumar and Raushan Kumar twisted the neck of the uncle informant, due to which, he died.

Learned senior counsel for the petitioner submits that from perusal of the First Information Report it would be evident that no overt act has been alleged against the petitioner and neck of the uncle of the informant had been twisted by co-accused Sushil Kumar and Raushan Kumar. He next submits that there is case and counter case between the parties due to land dispute regarding passage, for which, Mohiuddin Nagar P.S. Case No. 212 of 2019 has been lodged by the side of the petitioner against the informant and others.

After having heard learned counsel for the parties and taking into consideration the materials on record, the fact that there is no allegation that the petitioner assaulted the deceased, he is in custody since 30.01.2021 having no criminal antecedent and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/-



(Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur, in connection with Mohiuddin Nagar P.S. Case No. 196 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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