

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42142 of 2021

Arising Out of PS. Case No.-50 Year-2021 Thana- DUMRA District- Sitamarhi

1. SHIV SHANKAR KUMAR SINGH @ SHIV SHANKAR SINGH @ SHIV SHANKAR KUMAR Son of Late Ram Sahay Singh Resident of Village- Rasalpur, P.S.- Dumra, District- Sitamarhi.
2. Mani Shankar Kumar @ Mani Shankar Singh Son of Late Ram Sahay Singh Resident of Village- Rasalpur, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Ms. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard Mr. Santosh Kumar, learned counsel for the petitioners and Ms. Veena Rani Prasad, learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek regular bail in connection with Dumra PS Case No. 50/2021 registered for the offence punishable under Sections 341/323/324/307/504/506/34 of the IPC.

As per First Information Report, one day prior to the alleged date of occurrence, petitioners along with other accused persons were selling soil after digging it from the land of the informant which was opposed by him and upon hearing noise the local people gathered and prevented the accused persons and thereafter, the informant's brother went to the concerned police station and gave a written report. Upon getting the knowledge about the complaint made before the police station, the petitioners



along with other accused persons bore grudge against the informant and while the informant was returning to his house from his shop, the accused persons including the petitioners caught hold of the informant and ordered one Deepak Kumar Singh to kill the informant, upon which, Deepak Kumar Singh assaulted the informant by means of knife repeatedly due to which, he sustained injuries on his back.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between the parties and two days prior to the alleged occurrence, informant and others assaulted petitioner no.1 by means of knife for which an FIR has been lodged on 13.02.2021 bearing Dumra PS Case No. 51/2021 against the informant of this case and others in which petitioner no.1 has sustained knife injury. Learned counsel further submits that the petitioners are not the assailant and petitioner no.1 is said to be an order giver and both the petitioners caught hold of the informant and one co-accused, Deepak Kumar Singh, allegedly, assaulted him by means of knife.

According to the FIR, the informant sustained injuries in his back but from perusal of the medical report, as is evident, from the impugned order, fracture of lateral soft of left clavicle i.e., Collar bone has been found. No sharp cut injury caused by knife has been found on the back of the informant. Petitioners



have got no criminal antecedent and they are in custody since 02.05.2021.

Having regards to the submissions made by the parties and taking into consideration the material on record and the fact that petitioners have got no criminal antecedent, they are not the assailant, there is case and counter case between the parties, they are in custody since 02.05.2021, charge-sheet has already been submitted and there is no likelihood that they will abscond or tamper with the evidences, if released on bail, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra PS Case No. 50/2021.

(Anil Kumar Sinha, J)

perwez

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

