

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40984 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- HUSSAINGANJ District- Siwan

1. Vijay Kumar Singh @VIJAY Singh Son Of Late Harihar Singh Resident Of Village -Bahib Nagar , P.S.- Hussainganj, Distt.- Siwan.
2. Pramod Kumar Singh Son Of Vijay Kumar Singh @ Vijay Singh Resident Of Village -Bahib Nagar , P.S.- Hussainganj, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Verma, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Hussainganj P.S. Case No. 208 of 2021 registered for the offences punishable under Sections 147, 341, 323, 324, 302 and 504 of the Indian Penal Code.

As per the prosecution, the informant's son was assaulted by means of *Bhala* by co-accused Lacky Kumari due to which he died during the course of treatment. Further it is



alleged that a verbal altercation took place between the parties and the deceased went to the accused persons to get the knowledge of the said dispute and thereafter he was assaulted by the co-accused persons and these petitioners.

The main submissions advanced by the learned counsel Mr. Ravi Bhushan Verma appearing for the petitioners are that the petitioners have clean antecedent and both are father and son and have been languishing in jail since 09.05.2022. and they are the only major male members in the family and as per the FIR a *Bhala* blow allegedly caused by co-accused Lacky Kumari is stated to be the main cause of death of the deceased and any specific allegation or overt act of the petitioners in the alleged crime of *marpit* has not been revealed in the FIR and one co-accused Bhagmani Devi has been granted bail vide order passed by co-ordinate Bench of this Court in Cr. Misc. No.69773 of 2021.

Learned APP Mr. Pramod Kumar Pandey appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and order impugned. As per the FIR the main allegation is against co-accused Lacky Kumari who is in jail in the present time and against both the petitioners who are son and father as per above



submission there is no specific allegation. Considering the nature of allegation appearing against the petitioners and also the genesis of the occurrence and petitioners' clean antecedent, in the opinion of this Court both the petitioners deserve to a lenient approach of this Court, let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Hussainganj P.S. Case No. 208 of 2021.

(Shailendra Singh, J.)

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