

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49943 of 2021**

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

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1. CHANDAN KUMAR S/o SRI HARISCHANDRA RAI R/o VILLAGE-KURSAHA, P.S-MOHIUDDIN NAGAR, DISTRICT-SAMASTIPUR.
 2. RAUSHAN KUMAR S/o SHRI HARISCHANDRA RAI R/o VILLAGE-KURSAHA, P.S-MOHIUDDIN NAGAR, DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

M^{with}
CRIMINAL MISCELLANEOUS No. 50667 of 2021

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

SUSHIL KUMAR S/o Late Ramdhyan Rai R/o village- Kursaha, P.S.-
Mohiuddin Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49943 of 2021)

For the Petitioner/s : Mr.Prakash Chandra Jha

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 50667 of 2021)

For the Petitioner/s : Mr.Prakash Chandra Jha

For the Opposite Party/s : Mr. B.N.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-04-2022 Heard the parties.

Since both these applications for bail arise out of
same PS Case i.e., Mohiuddin Nagar PS Case No. 196/2019,
they are being heard and decided by a common order.



Petitioners seek regular bail in connection with Mohiuddin Nagar PS Case No. 196/2019 registered for the offence under Sections 147, 148, 149, 302, 307, 323, 324, 325, 341, 342, 379 and 506 of the IPC.

As per First Information Report, while the father of the informant along with one Nitish Kumar was returning from a feast, they were surrounded and assaulted by the petitioners along with other accused persons and as soon as the informant and his uncle got this information, they proceeded towards the place of occurrence and when the uncle of the informant, namely, Jai Jai Rai intervened in the matter, the petitioners, namely, Raushan Kumar, Chandan Kumar along with other accused persons assaulted his uncle and informant and thereafter, the petitioners, Sushil Kumar and Raushan Kumar, as alleged, twisted the neck of the informant's uncle due to which he fell down in an unconscious condition. The informant's uncle was brought to the Primary Health Centre, Mohiuddin Nagar where he was declared dead by the doctor.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to village rivalry. He next submits that the deceased was not



present at the place of occurrence rather he was milking a she-buffalo at the time of occurrence which would be evident from the statement of the witnesses recorded during course of investigation.

On the contrary, learned counsel for the State, referring to the First Information Report and the case diary, submits that the informant himself has received injury and he has categorically stated in the FIR that the petitioners assaulted the informant, his father and his uncle due to which, his uncle died. He further submits that from perusal of the postmortem report, it would be evident that the uncle of the informant died as a result of blunt force impact over abdomen and chest.

Regards being had to the submissions of the parties and taking into consideration the material on record and the fact that the allegation of assault is against three persons, i.e., Viru Kumar, Chandan Kumar and Raushan Kumar and subsequently, Sushil and Raushan twisted the neck of the uncle of the informant but no injury on the neck of the deceased has been found and co-accused, Viru Kumar has been granted bail by this Court *vide* Cr. Misc. No. 35891/2021, I am inclined to grant regular bail to the petitioners.

Accordingly, let all the thee petitioners, named above,



be released on bail on furnishing bail bond of Rs. 20,000/-
(Twenty Thousand) each with two sureties of the like amount
each to the satisfaction of Sub-Divisional Judicial Magistrate,
Samastipur in connection with Mohiuddin Nagar PS Case No.
196/2019.

(Anil Kumar Sinha, J)

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