

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41134 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. Shiv Kumar Sada Son of Bhola Sada Resident of Village - Kamargama, Basha Tola, Ward no.3, P.S.- Singheshwar, Distt.- Madhepura. (Bihar)
2. Pulkit Sada Son of Bhola Sada Resident of Village - Kamargama, Basha Tola, Ward no.3, P.S.- Singheshwar, Distt.- Madhepura. (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar 1,Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2022 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 learned APP for the State.

Petitioners seek regular bail in connection with Singheshwar P.S. Case No. 86 of 2022 registered for the offences punishable under sections 302/34, 323, 341 of the Indian Penal Code.

As per the prosecution, the informant has alleged that on the alleged date and time his younger brother told him that Brahsparti Sada, his son-in-law and brother-in-law have assaulted him. Upon this the informant with his father Sakaldev

Paswan (deceased) and uncle Chandradeo Paswan went to the place of Brahspati Sada and asked him that why they have beaten his brother? In the meantime, all the twelve accused persons named in the FIR including this petitioner started assaulting the informant, his father and uncle by means of Lathi-Danda, meanwhile the accused Manoj Rishideo gave repeated blows on the head of the informant's father by means of Samath. Later, the informant's father was declared dead when taken to hospital for treatment.

The main submissions advanced by learned counsel Shri Anant Kumar 1 appearing for the petitioner are that the petitioners have clean antecedent, they are stated to be the member of the mob of twelve persons but any specific role of both the petitioners in the alleged occurrence has not been revealed and the petitioners have been languishing in jail since 16.04.2022. During the course of investigation not a single independent witness has supported the prosecution's case.

Shri Dilip Kumar No. 1, learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides, perused the FIR and the order impugned. Altogether twelve persons are alleged to have assaulted the father of the informant and the specific allegation

of assaulting at the head of the informant's father is against co-accused Manoj Rishideo and the petitioners are simply stated to be the members of the mob consisting of twelve persons. Both the petitioners have clean antecedent as mentioned in their petition and languishing in jail since 16.04.2022. Considering these facts as well as above submissions and facts and circumstances of this case appearing from the FIR, 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 C.J.M., Madhepura in connection with Singheshwar P.S. Case No. 86 of 2022.

(Shailendra Singh, J.)

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