

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53614 of 2021

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

DEEPAK KUMAR @ DEEPAK KUMAR SINGH SON OF LATE RAM
SAHAY SINGH R/O VILLAGE - RASALPUR, PS - DUMRA, DIST-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar
Mr. Ajit Kumar
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-02-2022 Heard learned counsel for the petitioner through
virtual court proceedings.

Petitioner seeks regular bail in connection with
Dumra P.S. Case No. 50 of 2021 registered for the offence
punishable under Sections 341 / 323 / 324 / 307 / 504 / 506 / 34
of the I.P.C.

As per First Information Report one day prior to the
alleged date of occurrence petitioner along with other accused
persons were selling soil after digging it from the land of the
informant which was opposed by him whereupon they abused
and assaulted the informant and upon hearing noise local people
gathered and prevented the accused persons and thereafter the
informant's brother and the informant went to the concerned



Police Station and gave a written report. Upon getting knowledge about the complaint made before the Police Station the petitioner 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 petitioner caught hold of the informant and upon order given by Shiv Shankar Kumar Singh petitioner assaulted the informant by means of knife repeatedly due to which he sustained injuries on his back.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute between the parties and two days prior to the alleged occurrence the informant and others assaulted petitioner's brother 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. According to the F.I.R., 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. Petitioner has got no criminal antecedent and he is in custody since 19 / 3 / 2021. He further submits that similarly



situated co-accused / Shiv Shankar Kumar Singh and Mani Shankar Kumar have been granted bail by this court in Cr. Misc. No. 42142 of 2021.

Having regards to the submissions made by the parties and taking into consideration the materials available on record , the fact that petitioner has got no criminal antecedent, there is case and counter case between the parties, petitioner is in custody since 19 – 3 – 2021, charge-sheet has already been submitted, similarly situated co-accused persons have been granted bail by this court, there is no likelihood that petitioner will abscond or tamper with the evidences if released on bail , I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Dumra P.S. Case No. 50 of 2021.

(Anil Kumar Sinha, J)

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