

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70264 of 2021

Arising Out of PS. Case No.-269 Year-2019 Thana- PANCHRUKHI District- Siwan

1. Devi Dayal Singh S/O- Late Deep Narayan Singh R/O Village - Pachrukhi, P.S. Pachrukhi, District - Siwan.
2. Manoj Singh S/O- Devi Dayal Singh R/O Village - Pachrukhi, P.S. Pachrukhi, District - Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Devendra Kr.Sinha, Sr. Advocate and Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s :		Mr.Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-04-2022 Heard learned counsel for the petitioners and the State.

The petitioners pray for grant of regular bail in a case registered for the offence punishable under section 302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, on 14.10.2019 at about 7 pm the informant and some villagers had gone to attend the call of nature near bandh. It is alleged that 12 accused persons including the petitioners were taking wine and upon seeing the informant, on order of co-accused Manager Singh, all the accused persons, armed with lathi, danda and country made pistol, assaulted the informant and other villagers. Co-villager



Bigan Mahto also sustained injuries and died during treatment.

Learned counsel for the petitioners submits that the petitioners and informant are co-villagers and there is land (fishing) dispute among them and due to that they have falsely been implicated in this case. Furthermore, there is general and omnibus allegation of assault against all the accused persons and no specific overt act has been alleged against the petitioners. During investigation wife of the deceased has not named these petitioners. Present case is counter blast of Paachrukhi Police Station Case No. 268 of 2019 which has been lodged by co-accused Manager Singh against the informant and others in which petitioners' side also sustained injuries and to save skin from the case, instant case has been lodged. Petitioners have claimed clean antecedent and they are in custody since 5.9.2021 & 7.9.2021 respectively.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions



Judge V, Siwan in Pachrukhi Police Station Case No. 269 of
2019.

(Prabhat Kumar Singh, J)

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