

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9242 of 2023

Arising Out of PS. Case No.-551 Year-2022 Thana- KADAMKUAN District- Patna

Durgesh Nandan S/O Sri Manoj Prasad Singh R/V- Abgail, P.S.- Korma,
District- Sheikhpura At Present Residing At Lohanipur, P.S.- Kadamkuan,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8376 of 2023

Arising Out of PS. Case No.-551 Year-2022 Thana- KADAMKUAN District- Patna

Varun Kumar Son Of Late Yogesh Chandra Singh Resident Of Mohalla-
Lohanipur Kathpul, P.S.- Kadamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9242 of 2023)

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Navin Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 8376 of 2023)

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioners and

learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a

case registered for the offences punishable under

Sections 302/34 of the Indian Penal Code.



It is alleged against the petitioners that they brutally assaulted the son of the informant, as a result of which, he succumbed to the injuries.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. The informant is not the eye witness to the occurrence as she has not alleged that from whom she allegedly learnt about the alleged occurrence. It is not mentioned that how she learnt and who disclosed about the same and how the son of the informant was admitted in the hospital situated in Rajendra Nagar Road No. 6. The informant in her 161 Cr.P.C statement has allegedly stated that on 01.10.2022, she received information that her son was being assaulted by Varun Kumar after closing him in his house and when she allegedly saw her son, she learnt that he is being treated at Rajendra Nagar Road No. 6, Government Hospital and when she reached there, she found her son lying dead and thereafter she allegedly



stated that these petitioners badly assaulted her son who died in the course of treatment. All the witnesses are family members of the informant and they all have given their statement on the basis of imaginary allegation. It is further submitted that near the place of occurrence so many CCTV are installed but without verifying the footage of CCTV, the police added the names of the petitioners only on the basis of fardbeyan of the informant in such type of serious offence. The petitioners are languishing in custody since 02.10.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that there is direct allegation against the petitioners that they assaulted the son of the informant, as a result of which, he succumbed to the injuries.

Considering the facts aforesaid and the period



under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Judicial Magistrate, 1st Class, Patna/concerned court in connection with Kadamkuan P.S. Case No. 551 of 2022.

(Sunil Kumar Panwar, J)

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