

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38451 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- SAHPUR District- Bhojpur

1. Vijay Kumar @ Vijay Kumar Ram S/O Late Ayodhya Ram R/O Vill. Gaudarh, Ps. Sahpur, Dist. Bhojpur, Ara
2. Nand Piar Ram @ Nand Pyar Ram S/O Late Kumhan Ram R/O Vill. Gaudarh, Ps. Sahpur, Dist. Bhojpur, Ara

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioners seek regular bail in connection with Sahpur P.S. Case No. 46 of 2023 registered for the offence under Sections 147, 148, 149, 323, 447, 307, 354(B), 302, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the informant alleged that the petitioners along with others came at her house and started assaulting her family members. During course of this incident, father-in-law of the informant namely, Nand Kumar Ram was assaulted by the petitioner no.1 Vijay Kumar and co-accused Chandan Kumar who sustained injury and died during course of



treatment. *Bhaisur* of the informant was also sustained injuries who was assaulted by the accused persons including the petitioners. The alleged occurrence took place in the background of land dispute.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. There is litigating term between the parties due to which these petitioners have falsely been implicated in the present case. From perusal of FIR, no specific over-act of assaulting against petitioner no.2 Nand Piar Ram rather general and omnibus allegations leveled against him. Petitioner no.1 has got one criminal antecedent whereas petitioner no.2 is a man of clean antecedent. It is further submitted that the petitioners are languishing in judicial custody since 3.2.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that petitioner no.1 Vijay Kumar is specifically alleged to have assaulted on the head of the deceased Nand Kumar Ram due to which he succumbed to injuries and this fact is evident from perusal of F.I.R. The postmortem report of the deceased corroborates the prosecution allegation wherein, doctor opined the cause of death is due to



Hemorrhage & shock resulting from head injuries caused by hard & blunt substance. Moreover, witnesses of this case have also supported the prosecution.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner no.2 namely, Nand Piar Ram on bail. The above named petitioner is directed to be released on bail in connection with Sahpur P.S. Case No. 46 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Bhojpur at Ara.

7. So far as petitioner no.1 namely, Vijay Kumar is concerned, there is specific allegation against him to assault on the head of deceased, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

8. The trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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