

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45173 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- RASULPUR District- Saran

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SUSHIL KUMAR SINGH @ SUSHIL SINGH @ SUBIL SINGH S/O
SURESH SINGH R/O Village- Yogia, P.S- Rasulpur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Nath, Advocate
	:	Mr. Maheshwar Prasad, Advocate
For the Opposite Party/s	:	Mr. Irshad Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 31-07-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. Petitioner seeks regular bail in connection with Rasulpur P.S. Case No.49 of 2023 dated 08.03.2023 registered for the offence/s punishable under Section/s 302, 379 read with 34 of the Indian Penal Code.
3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner is the *Sarpanch* of his *panchayat*, in the FIR four named accused persons including the petitioner and two dozen unknown persons have been made accused and the FIR clearly goes to show that the informant's uncle was assaulted on suspicion of carrying beef in his vehicle, which shows that the alleged



occurrence was not committed in a planned manner and the alleged offence of Section 302 of IPC is not made out in this case and the instant matter may come in the purview of mob lynching and against the petitioner there is no specific allegation and he has fair and clean antecedent. Further submission is that in fact the deceased was released by the police on his executing a bond after he was caught by the police while carrying beef and thereafter he met with a road accident and sustained injuries and he was taken to Community Health Centre, Daraunda from there he was referred to Sadar Hospital, Siwan. Further submission is that the petitioner has been languishing in jail since 08.03.2023.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the facts that in the FIR several persons have been made accused and against this petitioner there is no specific allegation and the deceased was assaulted by a mob consisting of more than two dozen persons on suspicion of him carrying beef which shows that the alleged occurrence took place in the spur of moment and also taking into account the petitioner's fair and clean antecedent and against him there is no specific allegation, in my opinion it is a fit case for bail to the petitioner.



Accordingly, let the petitioner named-above be released on bail in connection with Rasulpur P.S. Case No.49 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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