

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61833 of 2022

Arising Out of PS. Case No.-5 Year-2017 Thana- KANTI District- Muzaffarpur

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1. Shivjee Singh, Son of Bashishtha Narayan Singh, R/V- Fulkahan, P.S- Kanti, Dist- Muzaffarpur
 2. Kunal Kumar Singh, Son of Shivjee Singh, R/V- Fulkahan, P.S- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-05-2023 Heard learned counsels for the petitioners and the State.

Petitioners apprehend arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code.

As per prosecution case, when the informant was sitting at his *darwaja*, he got the information that some people are assaulting his son at Raksha Chauk. When informant reached there, he saw that all the F.I.R. named accused persons including these petitioners were assaulting this son by means of lathi-danda. While informant tried to pacify the matter, accused persons dashed his son with Bolero vehicle as a result of which his son sustained injury and died during course of treatment.

Learned counsel appearing for the petitioners submits



that petitioners are innocent and have falsely been implicated in this case. He next submits that informant is not an eye witness of the occurrence and these petitioners have been made accused only on the basis of suspicion. Specific allegation of assault is against co-accused Santosh and so far these petitioners are concerned, allegation against them is general and omnibus. Police after investigation submitted final form and differing with the same learned court below has taken cognizance against the petitioners. Petitioners have got clean antecedent.

Considering the aforesaid facts and circumstances, let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, (West) Muzaffarpur in connection with Kanti P. S. Case No. 5 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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