

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66076 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- NAUHATTA District- Saharsa

1. SUJIT KUMAR @ SUJIT KUMAR YADAV S/o Late Suresh Yadav R/c-
Chandrain Ward No 12, P.S.- Nauhatta, District- Saharsa
2. NARESH YADAV @ NARES YADAV S/o Late Basudeo Yadav R/c-
Chandrain Ward No 12, P.S.- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 03-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioners seek regular bail in connection with
Nauhatta P.S. Case No. 115 of 2022 registered for the offence
under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506
of the IPC and Section 27 of Arms Act.

As per prosecution case, the informant alleged that on
3.6.2022 the petitioners as well as other accused persons came
and started assaulting her husband, brother-in-law and her son.
During course of this incident, petitioner no.1 namely, Sujit
Kumar assaulted the informant's husband by sharp edge weapon
due to which he died on spot. Thereafter the accused persons



including the petitioners came at house of informant and assaulted her father-in-law who also died during course of treatment.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. There is an admitted land dispute existing between the parties as a result of which these petitioners have falsely been implicated in this case. There is case and counter case between the parties. From perusal of FIR, it appears that specific overt-act is attributed only against petitioner no.1 and general & omnibus allegation leveled against petitioner no.2. A statement has been made in para-3 of the petition that the petitioners have got no criminal antecedent. It is further submitted that the petitioners are languishing in judicial custody since 27.7.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted from perusal of F.I.R. that the specific allegation has been made against the petitioner no.1 namely, Sujit Kumar who assaulted the informant's husband by means of sharp edge weapon due to which he died. Postmortem report of the deceased Ramsagar Yadav also supports the prosecution.



Having heard learned counsel for the parties and considering the fact that there is general and omnibus allegation against the petitioner no.2 namely, Naresh Yadav, this court is inclined to enlarge petitioner no.2 on bail. The above named petitioner no.2 is directed to be released on bail in connection with Nauhatta P.S. Case No. 115 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa.

So far as petitioner no.1 namely, Sujit Kumar is concerned, there is specific allegation against him of assaulting informant's husband, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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