

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25134 of 2024

Arising Out of PS. Case No.-316 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

1. Indra Mohan Singh Son of Krishna Bahadur Singh Resident of Village- Madhaul Saini, Ward No.09, P.S.- Runnisaidpur, Dist.- Sitamarhi
2. Ashish Kumar Singh Son of Indra Mohan Singh Resident of Village- Madhaul, Saini, Ward No.09, P.S.- Runnisaidpur, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad, Sr. Adv.
		Mr. Ayush Kumar
For the Opposite Party/s :		Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

4 13-08-2024 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

2. The petitioners are seeking regular bail in connection with Runnisaidpur P.S. Case No. 316 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. As per allegation, when the informant's son was going to to the market, the accused persons, including the petitioner equipped with *axe*, *dabiya* and *knife* and started assaulting the informant's son. The specific allegation against petitioner no. 2 is that he assaulted the informant's son with axe on his head, as a result of which, he died.

4. The learned counsel for the petitioners has submitted



that the petitioners have falsely been implicated in this case. He has further submitted that the FIR itself discloses that the informant is not the eye witness. The statements of family members of the deceased have been taken during course of investigation but from perusal of their statements, it does not transpire that they are the eye witnesses.

5. On the other hand, the learned counsel for the informant submits that there is specific allegation of petitioner no. 2 is that he inflicted axe blow on the head of the deceased and petitioner no. 1, who is father of petitioner no. 2 has also assaulted the deceased. He has also submitted that the mobile set of petitioner no. 2 and his slippers were found at the place of occurrence and the FIR shows that there had been previous quarrel between petitioner no. 2 and the deceased.

6. Considering the above-mentioned facts and circumstances, **let the petitioner no. 1** above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Runnisaipur P.S. Case No. 316 of 2022, subject to the following conditions:- The petitioner shall cooperate in the disposal of trial and make himself available as and when



required by the court.

7. So far as petitioner no. 2 is concerned, there is specific allegation against him to inflict axe blow on the head of the deceased. His mobile set and slippers were found at the place of occurrence.

8. Considering the above-mentioned facts and circumstances, I do not think it to be a fit case for bail against petitioner no. 2. Accordingly, the prayer for bail against **petitioner no. 2 is hereby rejected.**

(Nawneet Kumar Pandey, J)

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