

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37963 of 2015

Arising out of PS.Case No. -130 Year- 2014 Thana -MADHEPUR District- MADHUBANI

1. Bhola Pasi @ Bhola Mahto, Son of Late Ram Chandra Pasi @ Ram Chandra Mahto.

2. Kanhaiya Kumar, Son of Bhola Pasi @ Bhola Mahto. Both are residents of village - Madhepur Police Station - Madhepur, District – Madhubani.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar Prasad, Advocate.

For the Opposite Party : Mr. B.N.Panday(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-10-2015 Heard learned counsel for the petitioners and learned counsel for the State

The petitioner no. 1 is languishing in custody since 07.04.2015 and petitioner no. 2 is languishing in custody since 17.06.2015 in connection with Madhepur P.S. Case No. 130 of 2014 for the offences instituted under Sections 341, 323, 324, 307 and 379/34 of the IPC.

The prosecution story, in brief, is that the informant, namely, Gauri Pasi, gave a written petition before the S.H.O. Madhepur P.S., alleging therein that on 19.08.2014 at about 9.00 P.M., all the accused persons including the petitioners who were to find favourable occasion, attacked upon the informant due to



previous enmity when the informant was returning from market then all the accused persons surrounded him with deadly weapons thereafter the petitioner Bhola Pasi assaulted by sickle, *Tarchheba* on the neck. The informant tried to save his neck and as such the sickle blow cut away the muscle of his cheek. It is further alleged that co-accused Md. Rinku assaulted the informant by rod and the petitioner Kanhaiya Kumar pierced the sickle below the eye of the informant and the informant became unconscious and fell down. Thereafter, the co-accused Mano Pasi took out cash Rs. 2,000/- and wrist watch of the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners are in custody since 07.04.2015 and 17.06.2015 respectively and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioners. It is a case and counter case between the parties. Counter-case is annexure-2 to the present application. Annexure-3 is the injury report which indicates the nature of injury is simple. From perusal of annexures-5 and 6 it is evident that the matter has been compromised between the parties.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released 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 the learned A.C.J.M., Jhanjharpur, Madhubani, in connection with Madhepur P.S. Case No. 130 of 2014, G.R. No. 1335 of 2014.

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(Sudhir Singh, J)