

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6116 of 2015

Arising Out of PS.Case No. -407 Year- 2011 Thana -SAMASTIPUR District- SAMASTIPUR

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1. Abhay Kumar Sharma @ Jippu Sharma S/o Shyam Sunder Sharma, resident of Mohalla- Tajpur Road No. 4, P.S.- Samastipur (Town), District- Samastipur
 2. Arvind Paswan @ Arbind Kumar Paswan S/o Late Raghunandan Paswan, resident of Village- Dhurlakh, P.S.- Samastipur (Town), District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-02-2015 Heard both sides.

The petitioners apprehend their arrest in Samastipur Town P.S. Case No. 407 of 2011, registered for the offences punishable under Sections 323, 504 and 380 of the Indian Penal Code.

Allegation is that the informant is own brother of petitioner no. 1 and he made allegations that the petitioners assaulted him and demanded money. The petitioners assaulted the informant and took away Rs. 15,700/-.

Learned counsel for the petitioners submits that on account of some family disputes this case has been filed. The

police after investigation found the case true only under Sections 323 and 504 of the Indian Penal Code and submitted prosecution report, but the learned Chief Judicial Magistrate took cognizance under Section 380 of the Indian Penal Code.

On perusal of the record, it appears that the petitioner is younger brother of the informant and the informant made allegation against the petitioners that they assaulted him and took money. There is a family dispute on account of partition.

Considering the facts aforesaid and the fact that petitioner no. 1 is the own brother of the informant, the petitioners, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Samastipur Town P.S. Case No. 407 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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