

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15730 of 2015

Arising Out of PS.Case No. -56 Year- 2013 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Chandra Bhushan Kumar Son of Ishwar chandra Sah
2. Shashi Bhushan kumar Son of Ishwar Chandra Sah
3. Shyam Nandan Kumar Son of late Balram Sah
All are resident of Village- Kajraha, P.s- Madhuban, district- East
champan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Anish Chandra (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 04-05-2015 Heard learned counsel for the petitioners and the
State.

Petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 341,
323, 307, 447, 504/34 of the Indian Penal Code.

It is alleged that on protest being made by the
informant, since the She-goat of the accused Ishwar Chandra
Sah grazed the crops of the informant's side, then on the order
of co-accused Ishwar Chandra Sah to kill, the petitioner no. 1
Chandra Bhushan Kumar caught the informant, petitioner no.
2, Shashi Bhushan Kumar, assaulted the informant by iron
rod, as a result he become unconscious and when the uncle of
the informant came to rescue then he was assaulted by co-

accused Ishwar Chandra Sah with iron rod on his right elbow. When the wife of the informant came to rescue, then she was also assaulted by petitioner no. 3, Shyam Nandan Kumar.

It is submitted by the learned counsel for the petitioners that initially the injury of the informant was not found grievous as the informant was examined at S.K.M.C.H., Muzaffarpur, but subsequently, private Doctor treated the injury of the informant as grievous. There is counter version of the occurrence. The petitioners' sides have also received injury.

Considering the nature of accusation of assault is against petitioner no. 2, let the learned court below consider the prayer for regular bail of the above named petitioner no. 2, if the petitioner no. 2 surrenders before the learned court below within a period of six weeks from today in connection with Madhuban P.S. Case No. 56 of 2013, pending in the court of learned Sub-Divisional Judicial Magistrate, Sikarhana, East Champaran.

So far as petitioner nos. 1 and 3 are concerned, since there is no accusation that they have caused any grievous injury. There is no accusation against petitioner no. 1 that he has made any assault to the informant. Though specific accusation of assault is against petitioner no. 2, let the above named petitioner nos. 1 and 3 be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail

bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarhana, East Champaran in connection with Madhuban P.S. Case No. 56 of 2013, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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