

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16184 of 2014

Arising Out of PS.Case No. -332 Year- 2013 Thana -NATHNAGAR District- BHAGALPUR

1. Bhola Tanti S/O Badku Tanti
2. Daro Tanti alias Dharo Tanti S/O Bhola Tanti Both Resident Of Village Nurpur Tanti Tola, Police Station Nath Nagar (Madhusudanpur) In The District Of Bhagalpur.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Prasad Roy

For the Opposite Party/s : Mr. Rina Sinha (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 09-02-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,148,149,342,323,379 and 302 of the Indian Penal Code and section 27 of the Arms Act.

It is alleged that the informant's brother went with one Pramod Kumar when petitioner no. 2 snatched gold chain of the brother of the informant and thereafter co accused persons including the petitioners came variously armed and brother of the informant was assaulted.

It is submitted by the learned counsel for the petitioners that from the FIR itself it appears that the informant is not an eye

witness to the occurrence. More over, the actual assault was not seen by Pramod Kumar. Statement of Pramod Kumar has been recorded under section 161 Cr.P.C. where he has claimed to have seen the actual occurrence but he has not alleged the specific accusation of assault against any accused person. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

The aforesaid facts constitute grounds for consideration of the prayer for regular bail of the petitioners by the learned court below in case the petitioners surrender within six weeks from today in connection with Nathnagar (Madhusudanpur) P.S. Case No. 332 of 2013 pending in the court of learned CJM, Bhagalpur.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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