

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30675 of 2014

Arising Out of PS.Case No. -55 Year- 2014 Thana -BAUNSI District- BANKA

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1. SUDIN BAIDYA, SON OF LATE MANCHIT BAIDYA.
2. MINKU BAIDYA, SON OF UMESH BAIDYA.
3. KISHAN BAIDYA, SON OF BIJJO BAIDYA.
4. DINESH BAIDYA, SON OF BIJJO BAIDYA.
ALL R/O VILLAGE-GOLHATTI, P.S.-BOUNSI, DISTRICT-BANKA.
..... PETITIONER/S

VERSUS

THE STATE OF BIHAR OPPOSITE PARTY/S

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Appearance:
For the Petitioner/s : Mr. Pravin Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Dr. Ravindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 23-03-2015 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor.

For an occurrence having been committed on 17-03-2014 case and counter case have been instituted at the end of respective parties. So far present case is concerned, the same happens to be Bounsi P.S. Case No.55 of 2014 wherein specific allegation has been attributed against these petitioners on account thereof, the learned Sessions Judge rejected the prayer. Injury report is available under para-25 of the case diary wherefrom it is evident that save and except injury no.3 all have been found simple caused by hard and blunt substance. With regard to injury no.3, subsequently has been identified as grievous on account of fracture vide para no.73 of the case diary. Para-27 speaks with

regard to injury report relating to Dinesh Baidh wherein injury no.1, 2 and 3 have been found simple. The opinion with regard to injury no.4 has been kept reserved which, up till now has not been obtained by the Investigating Officer. Para-28 contains the injury report of Huro Baidh wherefrom it is apparent that injury no.1, 2 and 3 were found simple in nature while opinion regarding injury no.4 has been found reserved and as per para-74, the same happens to be grievous on account of fracture. Para-29 contains injury report of Bujo Baidh divulging all the injuries simple in nature.

In the aforesaid facts and circumstances of the case, petitioners are well advised to surrender before the learned lower court with a prayer for regular bail which, the learned lower court will consider in the background of nature of injury as noted above coupled with the fact that in the aforesaid background of institution of instant case under Section 307 appears to be unwarranted.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J.)

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