

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27096 of 2015

Arising Out of PS.Case No. -294 Year- 2014 Thana -MAJHAHGARH District- GOPALGANJ

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1. Naresh Sah S/o late Jamadar Sah
 2. Sonu Sah alias Sonu Kumar Sah S/o Naresh Sah
 3. Yogendra Sah S/o Gauri Sah
 4. Rajan Sah alias Rajan Kumar S/o Yogendra Sah
 5. Manoj Sah S/o Babban Sah All R/o Vill- Purnaina, P.s Manjha Garh, Dist Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-07-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,324 and 307/34 of the Indian Penal Code.

It is alleged that five accused persons including the petitioners came and started abusing and on protest being made, the son of the informant was being assaulted. The specific accusation of assault is against petitioners Sonu Sah and Rajan Sah with hockey stick when wife of the informant Bimla Devi came to rescue she was also

assaulted.



It is submitted by learned counsel for the petitioners that the specific accusation of assaulting the son of the informant is against petitioners Rajan and Sonu but the injury report reflects only one injury simple in nature whereas wife of the informant received two injuries out of which one was found to be grievous and the accusation of assault to the wife of the informant is omnibus and general. It is further submitted that petitioner no. 3 lodged Gopalganj SC/ST P.S. Case No. 62 of 2014 levelling accusation under sections 341,323,448,504 and 379/34 IPC and sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the informant's family. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner nos. 1,3 and 5 namely Naresh Sah, Yogendra Sah and Manoj Sah be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each

with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Manjhagarh P.S. Case No. 294 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as prayer for bail of petitioner no. 2 Sonu Sah and petitioner no. 3 Rajan Sah is concerned, let their prayer for regular bail be considered by the learned court below keeping in view of the facts that both are alleged to have made assault with hockey stick to the son of the informant but one simple injury has been found.

Accordingly, the application of petitioner nos. 2 and 4 is disposed of.

(Dinesh Kumar Singh, J)

Anil/-

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