

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34329 of 2014

Arising Out of PS.Case No. -150 Year- 2014 Thana -ROSERA District- SAMASTIPUR

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1. Chandan Kumar S/o Nage Mukhiya
2. Ram Raji Devi W/o Nage Mukhiya
Both R/o Village Pipraulia, P.S. Rosera, District Samastipur.

.... Petitioner/s

Versus

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 : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-02-2015 Heard both sides.

The petitioners, Chandan Kumar and Ram Raji Devi, apprehend their arrest in a case registered under Section 307 and other sections of the Indian Penal Code.

Vino Mukhia, the informant, made allegations against the petitioners that he demanded money from his brother, Nage Mukhiya. On such, on the order of Nage Mukhiya, his son Chandan Kumar, petitioner no. 1, assaulted him with tangi on his head. Petitioner no. 2 Ram Raji Devi is also alleged to have assaulted the informant with lathi.

Learned counsel for the petitioners submits that opinion of the doctor about the injury found on the head of Vino Mukhiya is reserved. On account of assault made by Ram Raji

Devi, no injury is found.

Considering the facts that there is a very specific allegation against the petitioner no. 1 Chandan Kumar that he assaulted the informant with tangi and corresponding injuries are found on the head of the informant, I am not inclined to enlarge the above named petitioner no. 1 on anticipatory bail in Rosera P.S. Case No. 150 of 2014. Accordingly, the same is rejected.

So far as the case of the petitioner no. 2 Ram Raji Devi is concerned, considering the fact that she is alleged to have assaulted the informant with lathi but no corresponding injury is found, the above named petitioner no. 2, in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rosera in Samastipur district in Rosera P.S. Case No. 150/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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