

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40638 of 2015**

Arising Out of PS.Case No. -13 Year- 2015 Thana -HARIZAN District- MUNGER

- =====
1. Sarita Devi wife of Feku Saw
  2. Amit Saw son of Raju Saw
  3. Bulti Saw son of Late Ramjee Saw

All residents of village Olipur, P.S. Jamalpur, District Munger.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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

02/ 01-10-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 504/34 of the Indian Penal Code and 3(1)(x) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the accused persons came to the house of the informant, abused by calling caste name when Bablu Saw (non-petitioner) assaulted with iron rod causing injury on the nose of the informant. When the mother and cousin of the informant came to rescue the accused persons abused them by calling caste name and petitioner no. 2

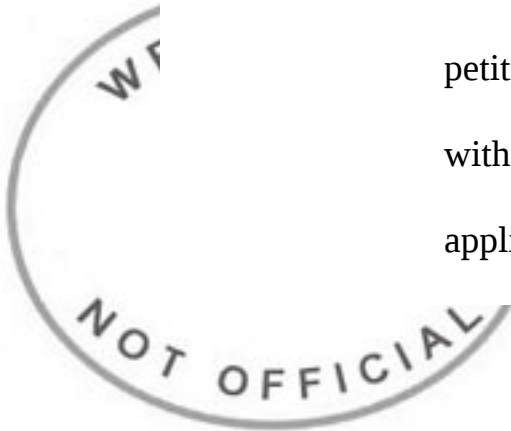
Bulti Saw assaulted the cousin of the informant with lathi.

It is submitted by learned counsel for the petitioners that for the occurrence of 19.05.2015 at 10.00 A.M. the FIR was registered on 20.05.2015 at 4.10 P.M. The injury of the informant has been found superficial marginal size, simple in nature when the accusation is that Bablu Saw (non-petitioner) assaulted the informant with iron rod whereas petitioner no. 3 Bulti Saw assaulted Gautam Mallick, the cousin of the informant, but all the injuries of Gautam Mallick have been found to be simple.

Considering the fact that specific accusation of assault is not alleged against petitioner nos. 1 and 2, let the above named petitioner nos. 1 and 2 be released on anticipatory 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 Additional Chief Judicial Magistrate, Munger in connection with P.S. Case No. Munger SC/ST P.S. Case No. 13 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no. 3 is concerned,

keeping in view of the fact that he caused simple injury, let the learned court below consider the prayer for regular bail of petitioner no. 3, if he surrenders before the learned court below within a period of six weeks from today. Accordingly, his application is disposed of.



**(Dinesh Kumar Singh, J)**

DKS/-

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