

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42638 of 2015

Arising Out of PS.Case No. -93 Year- 2015 Thana -KHAIRA District- SARAN

- =====
1. Meera Devi, wife of Dhruv Prasad.
 2. Jai Prakash, son of Dhruv Prasad.
- Both are resident of Village - Jagdishpur, P.S. Khaira, District - Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 12-10-2015 Let the supplementary affidavit filed on behalf of the petitioners be kept on record.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Khaira P.S. Case No.93 of 2015 registered under Sections 147, 341, 323, 307, 379, 504, 506 and later on added Section 302 of the Indian Penal Code.

The accusation is that on 28.07.2015 in the evening at 04.00 P.M. when the informant was going to his field from his house, he saw that his field has been ploughed by Dhruv Prasad alias Parmeshwar Prasad and Umesh Prasad. On being asked by



the informant as to why they had to do so, they started abusing him asking him that the filed belongs to them and gave threatening to kill him. Thereafter, the informant came at his door in the evening at 06.00 P.M. and when he was sitting alongwith his family members, all of sudden, they armed with lathi, danda, Garasi, sword and country made pistol came there and Dhruv Prasad alias Parmeshwar Prasad pointed the country made pistol at him and when he tried to flee away from there, Dhruv Prasad alias Parmeshwar Prasad assaulted at his forehead with the butt portion of the country made pistol. When the brother of the informant, Jitendra Prasad, rushed to save the informant, Umesh Prasad assaulted his brother with sword causing cut injury on his forehead. The sister-in-law of the informant was also assaulted by Rajesh Prasad with Garasi causing cut injury on her forehead. Thereafter, Jai Prakash, Meera Devi and Om Prakash assaulted them brutally. When they fell down on the ground, Meera Devi, took the gold chain and ear ring of the sister-in-law of the informant. Jitendra Prasad, the brother of the informant, later on, died.

Learned counsel appearing on behalf of the petitioners submits that there is specific allegation against Dhruv Prasad alias Parmeshwar Prasad to cause injury at the forehead of the

informant through butt portion of the country made pistol, Umesh Prasad to cause assault at the forehead of Jitendra Prasad, the brother of the informant, through sword, Rajesh Prasad to cause injury at the forehead of the sister-in-law of the informant through Garasi. There is general allegation against these petitioners to cause injury. In the post-mortem examination of the deceased only one stitch wound on his head was found and the informant and his sister-in-law both sustained one simple injury. The petitioners who are the family members of Dhruv Prasad alias Parmeshwar Prasad, have falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri S.D. Bharti, Judicial Magistrate, First Class, Chapra, Saran, in connection with Khaira P.S. Case No.93 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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