

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48020 of 2015

Arising Out of PS.Case No. -305 Year- 2014 Thana -NANHPUR District- SITAMARHI

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1. Vijay Kumar Jha, Son of Gokhul Jha
2. Kaushal Jha, Son of Mofil Jha
Both are residents of village- Chakauti, P.S. Nanpur, District- Sitamarhi

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-10-2015

Heard Sri Pushpendra Kumar Singh, learned counsel

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

The petitioners apprehend their arrest in connection with Nanpur P.S. Case No. 305 of 2014 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 376, 511, 504 and 427 of the Indian Penal Code.

The prosecution case as is evident from the First Information Report is that the informant Anita Devi, wife of Bishundeo Kamat, resident of village- Chakauti, P.S. Nanpur, District- Sitamarhi submitted her written report before the Station Head Officer of Nanpur Police Station on 05.10.2014, alleging therein that on 30.09.2014 when the daughter of Arun Jha namely, Nikky Kumari was eating Chat in the Mela at Chakauti Durga Mandir in the mean time, by mistake Nikky was pushed by a boy in the crowd as a result of which the Chat fell on the ground from



her hand. On 04.10.2014 petitioners along with 11 other persons named in the First Information Report came armed with lathi, farsa, iron rod, etc. and started assaulting the informant. The petitioner no. 1 assaulted Rakesh Kamat on his head, with lathi, as result of which he became injured. All the other accused persons also assaulted five people of the 'Kamat' community named in the First Information Report. The petitioner no. 2 then entered the house of the informant and tried to outrage her modesty but on hulla people arrived and she was saved.

It has been submitted by the learned counsel for the petitioners that they have clean antecedents, which is evident from paragraph 3 of the petition and they have been made accused due to village politics. It has further been submitted by counsel for the petitioners that a counter case has been filed by the petitioner no. 2 against the informant and others bearing Pupri P.S. Case No. 304 of 2014, which brings it to the fore that there is some personal enmity between the informant and the petitioners. It has also been submitted by the counsel for the petitioners that the injury report shows that injuries are simple in nature.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender within a period of six weeks from today before the Court below be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each

with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Nanpur P.S. Case No. 305 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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