

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51993 of 2015

Arising Out of PS.Case No. -112 Year- 2015 Thana -KAKO District- JEHANABAD

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1. Upendra Prasad Son of Sri Kameshwar Prasad,
2. Guddu Kumar, son of Dinesh Prasad
3. Rohit Kumar, son of Mahesh Prasad
4. Rajiv Kumar, son of Upendra Prasad
5. Karu @ Amar Kumar @ Karu Yadav, s/o Bangali Prasad, All are resident
of village- Chandraura, P.S.- Kako, District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Suman Kumari Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-12-2015

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

Petitioners apprehend their arrest in connection
with Kako P.S. Case No. 112 of 2015 for offences alleged under
Sections 147, 148, 341, 323, 324, 307 and 504 of the Indian Penal
Code.

Prosecution case is that while the informant was
coming from village Chandraura and at about 7.30 P.M., when he
reached near the shop of one Ram Ishwar Prasad Yadav and saw
the presence of co-accused Radha Krishna Prasad armed with rifle
and the petitioners besides co-accused persons are said to have

surrounded and on the instigation of co-accused Manoj Kumar, co-accused Vijay Kumar has assaulted with Khanti on the head of the informant. On his falling down, his family members came there to rescue him, they were also assaulted with butt portion of the rifle on the head of the informant's brother Shailesh Kumar and other co-accused persons armed with lathi have assaulted them indiscriminately.

It has been submitted by the learned Counsel for the petitioners that no overt act has been alleged against them and the allegation of assault is on other accused persons. Even the petitioner no. 5, Karu Yadav along with others inflicted the lathi blow, which is not specifically attributable to petitioner no. 5. It has been further submitted by the learned Counsel for the petitioners that there was some personal enmity between the family members of the petitioners and the informant. One Rina Devi who is a family member of one of the petitioners has already filed a complaint case against the informant and his family members bearing Complaint Case No.711 of 2015 before the Court of learned Chief Judicial Magistrate, Jehanabad.

It has furthermore been submitted that section 307 of the Indian Penal Code is not attracted against these petitioners.

Be that as it may, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of 6 weeks from the date of receipt/production of copy of this order, be released on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Janki Nagar P.S. Case No. 112 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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