

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48046 of 2015

Arising Out of PS.Case No. -180 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Birendra Prasad @ Birendra Gupta Son of Late Sitaram Sah
 2. Parmila Devi, W/o Birendra Gupta

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-11-2015 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 406, 341, 323, 324, 307, 379, 504, 506 and 448 of the Indian Penal Code.

The prosecution case is that the accused persons being the neighbor of informant came to her door and started abusing when co-accused Dhananjay Kumar assaulted with knife on her head whereas co-accused Rajan assaulted father of the informant with sword on his head. It is alleged that petitioner no.1 Birendra Prasad Gupta assaulted father of the informant with knife and

gave life threatening also when mother of the informant came to rescue then petitioner no.2 Pramila Devi tried to throttle her. It is further alleged that when sister of the informant namely Pooja Kumar came to rescue then she was assaulted by co-accused Dhananjay Kumar. It is also alleged that co-accused Dhananjay Kumar took away attaché containing cash of Rs.1,00,000/-, ornaments and clothes.

It is submitted by learned counsel for the petitioners that for a petty dispute the accusation has been levelled. The injury of the informant, her father and her brother has been found to be simple in nature. Though there is accusation of making assault with knife to the father of the informant by Dhannajay Kumar but the injury has been found to be simple in nature caused by hard and blunt substance. For the occurrence of 8.7.2015, the FIR was registered on 9.7.2015 Moreover, a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the

satisfaction of the learned Judicial Magistrate, 1st Class, Sadar at
Motihari in connection with Keshariya P.S. Case No.180 of 2015,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.



(Dinesh Kumar Singh, J)

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