

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52899 of 2015

Arising Out of PS.Case No. -268 Year- 2015 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Dhurendra Pandey @ Dhuran Pandey
2. Satish Chandra Pandey @ Puran Pandey Both sons of Sri Hazari Pandey
residents of village - Manpur Mathiya, P.S. - Bathwariya, District - West
Champanan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Satyendra Pd.APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 15-12-2015 Heard Mr. Umesh Chandra Verma, learned counsel for the
petitioner and learned Additional Public Prosecution for the State.

The petitioners apprehend their arrest in connection with
Chautarwa (Bathwariya) P.S. Case No.268 of 2015 for the
offences punishable under Sections 341, 323, 307, 504, 379/34 of
Indian Penal Code.

Mr. Verma learned counsel for the petitioners with
reference to the F.I.R. placed at Annexure-1 has submitted that
whereas petitioner No.1 has been charged with assault by a
gadasa, the petitioner No.2 is being charged of strangulation with
a towel. With reference to the enquiry report placed at Annexure-1
it is submitted that none of the wounds appear to be serious rather
have been stated to be simple in nature. It is submitted that the

F.I.R is the outcome of the land dispute going on in between the parties who are known to each other. It is submitted that there is no injury mark on the neck.

Having perused the injury report placed at Annexure-2 and considering that there is a wound on the scalp of the informant, the prayer of the petitioner No.1 Namely Dhurendra Pandey @ Dhuran Pandey is rejected and the petitioner No.1 Dhurendra Pandey @ Dhuran Pandey is directed to surrender before the court below and pray for regular bail and which shall be considered and disposed of on its own merits without being prejudiced by the present order.

In so far as petitioner No.2 is concerned, in absence of any injury on the neck, let the petitioner No.2 namely, Satish Chandra Pandey @ Puran Pandey in the event of his arrest/surrender within four weeks from today, be released on bail upon furnishing bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Chautarwa (Bathwaria) P.S. Case No. 268 of 2015 subject to the conditions stipulated under Section 438(2) of the Code of Criminal Procedure.

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(Jyoti Saran, J)