

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35723 of 2014

Arising Out of PS.Case No. -46 Year- 2009 Thana -VAISHALI District- VAISHALI(HAJIPUR)

1. Hanuman Singh Son of Late Sheo Prasad Singh
2. Santosh Singh Son of Sri Hanuman Singh Both are resident of village-
Hasanpura, P.S.- Maikar, District- Saran (Chapra)..... Petitioners
Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Subodh Prasad
For the Opposite Party/s : Mr. Ambika Bhagat(Spl.Pp)

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Vaishali P.S. Case No.46 of 2009 registered under sections 147, 148, 149, 497, 323, 324 and 307 of the Indian Penal Code and Section 3(X) of the SC/ST Act. However, no charge sheet has been submitted under section 3(X) of the SC/ST Act.

The petitioners submit that no case under section 307 of the Penal Code has been made out against the petitioners as petitioner no.1 is alleged to have assaulted the informant by Pasa of Kudal causing simple injury on his left whereas petitioner no.2 is alleged to have assaulted the informant with butt of Gun on his right hand also causing simply injury.

Learned counsel for the petitioners submits that the allegation of assault with Kudal is on accused Birbal Singh.

In view of nature of allegation, if the petitioners named above surrender within four weeks from today and pray for regular bail, they would be enlarged on bail in connection with Vaishali P.S. Case No.46 of 2009 on furnishing sufficient sureties to the satisfaction of the learned trial court subject to the conditions that they would not physically absent themselves for two consecutive dates at a stretch till charge is framed in this case.

KHAN/-

(Samarendra Pratap Singh, J)

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