

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49792 of 2014

Arising Out of PS.Case No. -226 Year- 2014 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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1. Sunita Kumari W/o Shailendra Kumar
2. Shailendra Kumar S/o Late Ganesh Singh
Both residents of Village - Maheshpur, P.S. - Chandi, District - Nalanda.
.... Petitioners

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary
For the Opposite Party/s : Mr. Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-04-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
Chandi P.S. Case No. 226 of 2014 registered for the offences
punishable under Sections 323, 341, 379, 307, 504/34 of the
Indian Penal Code.

Allegedly, the petitioners started abusing the
informant and petitioner no. 2 assaulted with iron rod on his head.
The petitioner no. 1 caught hold the informant and directed to kill
him and then the petitioner no. 2 snatched chain from his neck.
The motive behind the occurrence is for killing hen after giving
poison.

Submission is of false implication, all the offences
are bailable except Sections 307 and 379 of the Indian Penal Code

which are not made out, there is no allegation of repetition of blow and the present case is the counter blast of Chandi P.S. Case No. 225 of 2014 lodged by petitioner no. 2 in which petitioners and their son were assaulted which is evident from the injury reports and the injury of the informant is simple in nature, and as such, the petitioners deserve sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering the injury of the informant and further considering that there is case and counter case, the petitioners above named, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa (Nalanda) in connection with Chandi P.S. Case No. 226 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

avin/-

(Jitendra Mohan Sharma, J)

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