

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45169 of 2014

Arising Out of PS.Case No. -46 Year- 2014 Thana -KOTWALI District- MUNGER

- =====
1. Vikram Kumar Pandit
2. Bipin Kumar @ Bipin Kumar Pandit
Both sons of Ashok Pandit
3. Gorelal Pandit Son of Late Mahabir Pandit
4. Chintu Kumar Son of Kishori Pandit
5. Santosh Kumar @ Santosh Kumar Pandit Son of Late Mahabir Pandit
6. Niraj Kumar Son of Kishori Pandit
All are resident of village- Dalhatta, Kumhar Toli, Police Station- Kotwali,
District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Nakul Kumar Jamuar
For the Opposite Party/s Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 18.05.2015 Learned counsel for the petitioners is permitted to make
necessary correction in this petition within course of the day.

Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Kotwali P. S. case no. 46/2014 registered under section 307 and other
minor sections of the Indian Penal Code.

Admittedly, there is case and counter case between the
parties and it appears that persons from both sides sustained injuries.

It would appear from perusal of the first information report
that there is specific allegation against petitioner no.1 that he gave iron
rod blow to the injured of the present case whereas petitioner no.6

caught the injured at the time of alleged occurrence.

Learned counsel for the petitioners drew my attention towards annexure 3 to the petition and submitted that, as a matter of fact, on the alleged date of occurrence, petitioner no.6 was not present in his village rather he was on duty at New Delhi. It is further contended by him that petitioner no.6 is a military personnel and lieutenant colonel of his unit issued annexure 3 to the petition.

Annexure 4 to the petition is photostat copy of the injury report of injured of the case and the aforesaid injury report reveals that one swelling was found on the forehead of the injured and except the aforesaid swelling there is only complain of pain and bleeding from mouth.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let petitioner no.2 to 6, namely, Bipin Kumar @ Bipin Kumar Pandit, Gorelal Pandit, Chintu Kumar, Santosh Kumar @ Santosh Kumar Pandit and Niraj Kumar be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger in Kotwali P. S. case no. 46/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

So far prayer for bail of petitioner no.1, namely, Vikram Kumar Pandit is concerned, the same stands rejected.

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(Hemant Kumar Srivastava,J)

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