

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36958 of 2014

Arising out of PS.Case No. 576 Year- 2013 Thana -MOTIHARI TOWN District- EAST
CHAMPARAN (MOTIHARI)

- =====
1. Ramesh Prasad @ Ramesh Prasad Swarnkar @ Rameshwar Prasad, son of Late Paras Sah
 2. Prakash Kumar, son of Ramesh Prasad.
- Both are residents of Village-Amala Patti, P.S.-Motihari Town, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Ms. Pushpa Sinha No.2, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 20-02-2015

Heard the parties.

The petitioners apprehend their arrest in connection with Motihari Town P.S. Case No.576 of 2013 registered for the offences punishable under sections 147, 148, 149, 341, 323, 324, 307, 302, 354, 452 and 380 of the Indian Penal Code.

The allegation against these petitioners along with some others named in the FIR is of assaulting the deceased as well as the informant.

Perusal of the FIR manifests that specific allegation is against petitioner no.2 Prakash Kumar of assaulting the informant by a bat and which is supported by injury no.1 of the injury report of the informant present at Annexure-3.

In the circumstances, the prayer for anticipatory bail of petitioner no.2 namely, Prakash Kumar is rejected.

The petitioner no.2 may surrender and pray for regular bail and which shall be considered and disposed of on its own merits without being prejudiced by the order passed in this application.

The FIR charges the petitioner no.1 of assault on the deceased by bat/hockey stick. The Postmortem report of the deceased present at Annexure-2 does not reflect any injury of such nature rather all injuries were caused by sharp cutting weapon which learned counsel for the petitioner submits has been inflicted by accused Vikram Kumar.

Having heard learned counsel for the parties and taking note of the allegation against petitioner no.1 as well as the postmortem/injury reports on record, let the petitioner no.1, namely, Ramesh Prasad @ Ramesh Prasad Swarnkar @ Rameshwar Prasad in the even of his arrest or surrender within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No.576 of 2013 subject to the

conditions as laid down under section 438(2) of the Code of Criminal Procedure.

This application is allowed in part.

(Jyoti Saran, J)

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