

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33880 of 2014

Arising out of PS.Case No. -129 Year- 2014 Thana -AHIYAPUR District- MUZAFFARPUR

- =====
1. Sanjeev Kumar @ Sanjeev Sahni.
 2. Mukhiya Sahni @ Rohit Kumar, both sons of Ram Surat Sahni, resident of village Chhit Bhagwatipur, P.S. Ahiyapur, District Muzaffarpur.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Shri Diwakar Prasad Karn, Advocate
For the State : Shri Rajiv Nayan, APP

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 13-05-2015

Heard.

The allegations are direct that petitioner no.1 gave a *farsa* blow to the informant at the orders of petitioner no.2.

It appears from paragraph-14 of the carbon copy of the case diary that when the Investigating Officer went for obtaining the copy of the injury report, the doctor was not available but the compounder who was present there stated that the injured was not examined on the requisition of the police and, as such, it has to be verified whether any injury certificate was available or not. The court below, i.e., the learned Chief Judicial Magistrate, Muzaffarpur shall keep the above fact mentioned in the above paragraph of the case diary and then proceed to consider the prayer for bail of the petitioners

assuming that the doctor had not examined the injured and no injury report was made over to the police. It appears a case in which the prayer for regular bail should be considered by the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 129 of 2014 in the light of the above noted observations without being prejudiced that the petitioners had approached this Court besides the court of the sessions under Section 438 Cr.P.C.

With the above observations, the petition stands disposed of.

(Dharnidhar Jha, J.)

Sanjay/-

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