

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19339 of 2015

Arising Out of PS.Case No. -116 Year- 2011 Thana -ITADHI District- BUXAR

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1. Jawahir Rajbhar Son of Late Ram Prasad Rajbhar
2. Dewanti Devi Wife of Ram Shanker Rajbhar
3. Ramjee Rajbhar Son of Basisth Rajbhar
4. Prabhu Nath Rajbhar Son of Jawahir Rajbhar
All residents of village Sukarwaliya Ruknadih Dera P.S. Itarhi, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-04-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 324, 307, 504, 302/34 of the Indian Penal Code.

It is alleged that the First Information Report named accused persons assaulted the brother and father of the informant and subsequently the father of the informant succumbed to the injuries. Though, the petitioners were not named in the First Information Report, but their names sprang up during investigation.

It is submitted by the learned counsel for the

petitioners that the thrust of accusation is specific against the First Information Report named accused persons and First Information Report was not registered against any unknown person. The accusation of assault has been levelled in the background of serious land dispute. The petitioners were not sent up for trial but differing with the Final Form the learned Chief Judicial Magistrate took cognizance vide order dated 15.01.2015. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the fact that specific accusation of assault is against First Information Report named accused persons and petitioners have not sent up for trial, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No. 116 of 2011, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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