

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39556 of 2015

Arising out of PS.Case No. -300 Year- 2015 Thana -SAHARSA District- SAHARSA

1. Krishna Ballav Singh, Son of Late Bhuneshwar Singh.
2. Prashant Kumar Singh, Son of Krishna Ballav Singh. Both residents of Village Bharauli, Police Station Sonbarsha Kachahri, District Saharsa.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioners : Mr. Satish Kumar Singh, Advocate.

For the Opposite Party : Mr. Binod Kumar -II(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2015 Heard learned counsel for the petitioners and learned counsel for the State

The petitioners are apprehending their arrest in connection with Saharsa Sadar P.S. Case No. 300 of 2015 for the offences instituted under Sections 147, 149, 341, 323, 307 and 379 of the IPC.

The prosecution story, in brief, is that on 21.04.2015 at 7.00 P.M. the informant was sitting at his *Darwaja* with his elder brother then the F.I.R. named accused persons came there and accused Krishna Ballav Singh told that these persons had filed case against them so let them be killed and on his order, the accused persons, who were armed with *Khanti* and *Kudal* started



assaulting them and accused Prashant Kumar Singh gave Khanti blow on the informant. On hulla, his nephew Suman Kumar Singh came to save him, whom Bishal Kumar Singh gave spade blow with intent to kill him, which hit on the head of Suman Kumar Singh and accused Nishant Kumar Singh forcibly took out Rs. 3,000/- from his pocket. On hulla, several persons came and save the informant.

It has been submitted on behalf of the petitioners that the petitioner no. 1 is aged about 75 years old person. It has further been submitted that the petitioners have falsely been implicated in the present case. It is a case and counter-case. From perusal of Annexure-3 which is the injury report, it would appear that the petitioners have also sustained injury in the alleged occurrence for which no explanation has been made on behalf of the prosecution.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Saharsa Sadar P.S. Case No. 300/2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the

satisfaction of the learned C.J.M., Saharsa, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)