

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42835 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. DHURENDRA PRASAD @ DHURANDRA PRASAD Son of Late
Anwat Prasad,
2. Sagar Prasad Son of Anwat Prasad,
3. Manu Prasad, Son of Sagar Prasad, All residents of village - Laukahan,
P.S. - Paharpur, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. R.P.S.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 14-10-2015

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
147, 148, 149, 341, 323, 324, 325, 307, 379, 504 of the
Indian Penal Code.

The prosecution case is that co-accused Suresh
Prasad assaulted the father of the informant Bindeshwari
Prasad with axe on his head. The petitioner no. 3 Manu
Prasad assaulted with spear on the head of the informant,
whereas petitioner no. 1 Dhurendra Prasad @ Dhurandra
Prasad and Surendra Prasad assaulted the mother of the
informant Sarswati Devi. Petitioner no. 2 assaulted

Nagendra Prasad by lathi. It is alleged that all accused persons indiscriminately assaulted the informant and snatched gold chain from the wife of the informant and Rs. 10,000/- from the informant.

It is submitted by the learned counsel for the petitioners that specific accusation of assault to the informant's father, who succumbed to injury is against Suresh Prasad, whereas petitioner no. 2 alleged to have assaulted Nagendra Prasad, who has not received any injury. Statement to that effect has been made in para-8 of the petition Manu Yadav assaulted with spear to the informant and informant has received only one injury on the head, which is found grievous in nature. Though, it is alleged that all the accused persons also assaulted the informant. There is counter version of the occurrence. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Consideration the specific accusation against petitioner nos. 1 and 3 and the injuries caused by them have been found to be grievous, let the learned court below consider the prayer for regular bail of the above named petitioner nos. 1 and 3, if they surrender before the learned court below within a period of six weeks from today in connection with Paharpur P.S. Case No. 18 of 2015, pending in the court of learned Chief Judicial Magistrate, Motihari, East Champaran.

So far as petitioner no. 2 is concerned, he

assaulted to Nagendra Prasad, who has not received any injury, let the above named petitioner no. 2 be released on bail in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 18 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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