

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47568 of 2015

Arising Out of PS.Case No. -160 Year- 2014 Thana -EKMA District- SARAN

- =====
1. Bacha Rai S/o Late Shiv Pujan Singh.
 2. Pradeep Kr. Singh.
 3. Dilip Kumar

Both S/o Bacha Singh All are R/o Village- Manikpur, P.S.- Ekma,
District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 30-10-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Ekma P.S.
Case No. 160 of 2014 dated 03.11.2014 instituted under
Sections 341/323/324/307/447/504/379/34 of the Indian
Penal Code.

The allegation against the petitioners is of
assault on the informant and others, specific against
petitioners no. 1 and 3 being of assault by Lathi whereas
against petitioner no. 2 of using 'Daab' (sharp edged weapon).

Learned counsel for the petitioners submits that the informant is the full brother of petitioner no. 1 and there is dispute with regard to passage between them and there is also a counter case for the same incident and in fact, it was the informant and others who were the aggressors. It is further submitted that the petitioners have clean antecedent.

Learned A.P.P. submits that the petitioners have used force and thus even if there is a counter case, they cannot be absolved of their liability for the present incident. It is further submitted that allegation of using of sharp cutting weapon against petitioner no. 2 is also corroborated by the injury report. However, he is not in a position to deny the fact against the petitioners no. 1 and 3, there is allegation of assault by Lathi and there is also a counter case for the same incident and the parties are agnates.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners no. 1 and 3 be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in Ekma P.S. Case No. 160 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The prayer for anticipatory bail of petitioner
no. 2 stands rejected.

(Ahsanuddin Amanullah, J.)

P. Kumar

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