

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34484 of 2014

Arising Out of PS.Case No. -118 Year- 2013 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Md. Dulare son of Md. Rasool resident of village - Mahuawa P.S. - Dhaka District -East Champaran .
2. SK . Jauhad son of Late SK . Nathuni resident of village - Chandan Bara Ram P.S. - Dhaka District -East Champaran .

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Dr.Kumar Uday Pratap (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 18.02.2015 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Originally, informant filed complaint case which was converted into Dhaka P. S. case no. 118/2013 registered under section 307 and other minor sections of the IPC.

The accusation against the petitioner no.2 is that he along with co-accused Rahful assaulted son-in-law of the informant by means of lathi and also gave sword blow to informant's daughter causing injury on her head but annexure 2 series reveal that no incised wound was found on the person of informant's daughter and as per her injury report, she sustained simple injury said to be caused by hard and blunt substance.

So far as allegation against petitioner no.1 is concerned, there is no specific allegation of assault against him and it is only

stated that he was simply a member of unlawful assembly.

Moreover, after due investigation both the above stated petitioners were not sent up for trial as the Investigating officer found insufficient evidence in respect of petitioners.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Sikrahana East Champaran at Motihari in Dhaka P.S. Case no. 118/2013 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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