

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27286 of 2015

Arising out of PS.Case No. -350 Year- 2014 Thana -CHAPRA TOWN District- SARAN

- 1. Mannu Srivastava @ Munnu Srivastava @ Awanish Kumar Srivastava.
- 2. Mukul Srivastava @ Mukul Kumar Srivastava.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

- For the Petitioners : Mr. Jitendra Narain Sinha, Advocate.
- For the Opposite Party : Mr. Uday Chandra Prasad (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-09-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Chapra Town P.S. Case No. 350 of 2014 for the offences instituted under Sections 341, 323, 307, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 26.09.2014 while the informant was returning after School then the co-accused Bigyan Srivastava and petitioner Munnu Srivastava called him and on denial they assaulted him by means of fists and slaps and petitioner Mukul Srivastava gave brick blow on his head and when his mother came to rescue then they also assaulted by means of fists and slaps. The witnesses brought him on Sadar Hospital,

Chapra, from there he was referred to Patna for better treatment. It has been also stated that during course of medical treatment at Sadar Hospital, Chapra, co-accused Umesh Srivastava and Abhay Srivastava came and threatened him for dire consequences if he filed any case against the petitioners.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that the petitioner no. 1 is concerned, no specific allegation has been made against him. It is further submitted that the petitioners have falsely been implicated in the present case.

On behalf of the State it has been submitted that there is specific allegation made against petitioner no. 2 who assaulted the victim.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no. 2 Mukul Srivastava alias Mukul Kumar Srivastava. The same is rejected.

So far as petitioner no. 1 Mannu Srivastava alias Munnu Srivastava alias Awanish Kumar is concerned, let him be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Chapra Town P.S. Case No. 350 of 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two

sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)