

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15622 of 2016

Arising out of PS.Case No. -24 Year- 2016 Thana -ROSERA District- SAMASTIPUR

Mithilesh Choudhary @ Mithilesh Jha, S/O Haribansh Choudhary, resident of village- Gaighat, P.S.- Rosera, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Suneil Kumar Thakur, Advocate.

For the Opposite Party : Mr. Khurshid Anwar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Rosera P.S. Case No. 24 of 2016 for the offences instituted under Sections 341, 323, 325, 307, 354 and 379/34 of the IPC.

The prosecution story, in brief, is that on 18.01.2016 at 3.00 P.M. the informant was at her house in the meantime, the petitioner and others with common intention armed of deadly weapon abused her. Co-accused Haribansh Choudhary exhorted to kill, then the petitioner with intention to kill, assaulted her with *Farsa* on her head due to which she sustained head injury. When her husband came to rescue her he was also assaulted by Nitish Choudhary with *Lathi* thereby his hand was fractured. Her son ran

to rescue then petitioner and Haribansh Choudhary assaulted him with *Lathi, Danda* and injured him. The accused persons also committed theft.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is a case and counter case. The injury report do not support the allegation made in the FIR. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out.

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

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Rosera P.S. Case No. 24/2016 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Rosera, Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)