

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18318 of 2016

Arising out of PS.Case No. -2 Year- 2016 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

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- 1. Dhuri Gope @ Raj Kr. Gope, Son of late Rohan Gope.
 - 2. Dhanraj Gope, S/o late Dukhi Gope.
 - 3. Guddu Prasad @ Goddu Gop, S/o Baran Gope. All residents of Village- Narari, P.S. Tharthari , District Nalanda.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Mukherjee, Advocate.
For the Opposite Party : Mr. Nand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-05-2016 Heard learned counsels for the petitioners, informant and learned counsel for the State.

The petitioners are languishing in custody since 04.03.2016 in connection with Tharthari P.S. Case No. 02 of 2016 for the offences instituted under Sections 341, 323, 324, 379, 427,504 and 307/34 of the IPC.

The prosecution story, in brief, is that on 01.01.2016 at about 7.00 P.M. the informant Ranjeet Kumar was standing in front of his house on the road. Meanwhile, his villager Bhole Nath Prasad started abusing the informant and ordered to kill the informant. The informant protested. Then accused Bhole Nath



went to his house and again came with the petitioners armed with Garasa, Farsa and Lohband there. The accused Bhole Nath gave a Garasa blow on the head of the informant with intent to kill him. On alarm raised by the informant, Awadhesh Prasad, Raushan Kumar and Santu Kumar came there. But the accused persons also assaulted them. The accused Bhole Nath gave Garasa blow on Awadhesh Prasad causing cut injury on left elbow. Accused Dhanraj Prasad assaulted Raushan Kumar by means of Lohband causing injury beside his right eyes and accused Guddu Prasad assaulted Santu Kumar by means of lathi caused cut injury on his left side of head. Bhole Nath also assaulted Vinod Kumar the nephew of the informant by means of Garasa causing cut injury on his right hand. It is further alleged that the accused persons damaged the vehicle belonging to nephew of the informant and the accused Bhole Nath took away the battery of the vehicle as well as golden locket from the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent except petitioner no. 1. They are in custody since 04.03.2016 and the charge sheet has been submitted in the present case. From perusal of the F.I.R., it is evident that there is no allegation of assault against petitioner no. 1. As far as allegation of assault against petitioner nos. 2 and 3 are

concerned, the said injuries are simple in nature. It is a case and counter case between the parties. The injury on the side of the petitioners has not been explained by the prosecution.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Hilsa, Nalanda, in connection with Tharthari P.S. Case No. 02/2016.

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(Sudhir Singh, J)