

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4340 of 2016

Arising Out of PS.Case No. -953 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

- =====
1. Balkeshwar Ram, son of Somaru Ram
 2. Sakal Rajwar @ Ram Sakal Rajwar, son of Balkeshwar Rajwar
 3. Vijay Rajwar, son of Sakal Rajwar
 4. Sanjay Rajwar son of Sakal Rajwar
 5. Ajay Rajwar son of Sakal Rajwar
 6. Bhaliya devi wife of Sakal Ram @ Sakal Rajwar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Opposite Party/s : Mr. Smt. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2016 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 325, 307, 379, 504, 506, 447 of the Indian Penal Code.

Prosecution case is that on 18.08.2015 at 7.00 pm all the accused persons came variously armed and started abusing the informant. It is alleged that petitioner no.1 Balkeshwar Ram pulled 'saree' of the informant when petitioner no.2 Sakal Rajwar torn her blouse. Petitioner no. 3 Vijay Rajwar alleged to have assaulted the informant by catching her hair and pushed her down

on earth whereas petitioner no.4 Sanjay Rajwar snatched gold chain from her. It also alleged that petitioner no.6 Bhaliya Devi assaulted on the head of the informant with iron rod when petitioner no.2. Sakal Rajwar assaulted on her waist. Petitioner nos. 3,4 and 6 entered into the house of the informant and took away a box containing jewellerys, valuable papers and cash when son of the informant came to rescue he was abused and assaulted by the accused persons.

It is submitted by learned counsel for the petitioners that for the occurrence of 18.08.2015, the FIR was registered on 21.08.2015. There is counter version of the occurrence also. Neither there is any injury report on record nor it was produced in spite of repeated reminders by the learned court below, which gets reflects from the impugned order. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:-

"13. That further no offence is made out under section 307 IPC as because till date, there is no injury report or any of the injured who are said to have examined by the Primary Health Centre, Tilauthu inspite of the repeated order, the same was not placed before the court, which clearly shows that there was no any injury caused to the prosecution party by the present

petitioners."

A further statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the delayed lodging of the case and counter version of the occurrence, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Rohtas at Sasaram in connection with Sasaram (Tilauthu) P.S. Case No.953/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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