

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4802 of 2016

Arising Out of PS.Case No. -208 Year- 2015 Thana -BARGANIA District- SITAMARHI

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1. Bharat Bhushan Prasad @ Bharat Prasad
 2. Shambhu Kailash Prasad, Both sons of Amiri Lal Sah,
 3. Amiri Lal Sah, Son of Late Banshi Lal Sah,
 4. Rishi Kumar, Son of Bharat Prasad, All are residents of village - Akhta Ward No. 3, Police Station - Bairgania (Supi), District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-02-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 379, 448, 504 of the Indian Penal Code.

The prosecution case is that the accused persons came to the door of the informant, when co-accused Shaym Sunder Sah assaulted to the informant with farsha on his head and thereafter he repeated the blow. Petitioner no. 1 Bharat Bhushan Prasad @ Bharat Prasad assaulted the informant with butt of nalkatua. It is further alleged that petitioner no. 2 Shambhu Kailash Prasad



assaulted the informant on his chest with fists and slaps. Co-accused Hari Shankar Prasad assaulted the nephew of the informant Divyanash Shekhar on the chest with butt of the pistol. It is alleged that co-accused Shyam Sunder Sah fired upon the informant but he did not cause any injury, he snatched gold chain from the possession of the informant and petitioner no. 3 Amiri Lal Sah snatched Rs. 5,000/- from the pocket of the informant.

It is submitted by the learned counsel for the petitioners that there is counter version of the occurrence and the police has lodged a case for the same incident. The injury on the head of the informant has been found to be simple in nature. Considering that one lacerated injury on the left partial side of the head was found to be grievous in nature. Where the injury of the nephew of the informant has been found to be simple. The petitioners' side have also received injuries

Considering the fact that the specific accusation of making assault on the head of the informant is against petitioner no. 4 with farsha and Bharat Bhushan Prasad @ Bharat Prasad with butt of the country made pistol, but it appears that the injury was caused by the assault of Bharat Bhushan Prasad @ Bharat Prasad, petitioner no.1, let the learned court below consider the prayer for regular bail of the petitioner no. 1, Bharat Bhushan Prasad @ Bharat Prasad, if he surrenders before the learned court below within a period of six

weeks from today in connection with Bairgania P.S. Case No. 208 of 2015, pending in the court of learned Chief Judicial Magistrate, Sitamarhi.

Considering the nature of accusation and there is counter version of the occurrence, let the above named petitioner nos. 2, 3 and 4 be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 208 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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