

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4778 of 2016

Arising Out of PS.Case No. -265 Year- 2015 Thana -TRIVENIGANJ District- SUPAUL

- =====
1. Mayawati Devi Wife of Chhedi Sah,
 2. Om Prakash Sah @ Om Kumar, Son of Chhedi Sah,
 3. Subhash Sah, Son of Ram Khelawan Sah,
 4. Pawan Kumar Sah, Son of Ram Khelawan Sah, All are residents of village - Bela, P.S. - Triveniganj, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kr.Roy 1(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, 341, 323, 324, 307, 379, 504 of the Indian Penal Code.

The prosecution case is that on 28.11.2015 all the First Information Report named accused persons including the petitioners and five unknown suddenly came to the house of the informant and started assaulting the informant. When the wife and daughter of the informant came to rescue, on the order of co-accused Dayawati Devi the accused persons assaulted them. It is

also alleged that co-accused Lal Bahadur Sah snatched Rs. 5,000/- from the informant and accused persons also misbehaved with the daughter of the informant and snatched silver locket from her neck.

It is submitted by the learned counsel for the petitioners that only informant has received injury and others have not received any injury. Statement to that effect has been made in para-14 of the petition which reads as follows:-

“That in the F.I.R. although there is general and omnibus allegation of assault to the wife and daughters of informant but no any such injury report is on record except the aforesaid injury report of Chandeshwari Sah.”

The injury of the informant has been found to be simple in nature. There is counter version of the occurrence. Petitioner no. 1 is the brother's wife of the informant, whereas petitioner no. 2 is the nephew of the informant and in the background of land dispute accusation has been levelled. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners 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 Additional Chief Judicial Magistrate-Ist, Supaul in connection with Triveniganj

P.S. Case No. 265 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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