

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6449 of 2016

Arising Out of PS. Case No. -147 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

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1. Arvind Prasad @ Arvind Kumar son of Shiya Sharan Prasad
2. Manish Kumar son of Arvind Prasad @ Arvind Kumar
Both Petitioner nos. 1 and 2 are Resident of Village-Sirisia, Police Station-
Neemchak Bathani, District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shailesh Kumar, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 11-04-2016 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences
alleged under Sections 147, 148, 149, 323, 504, 506, 325, 307,
407, 468 and 471 of the Indian Penal Code registered in
connection with Neemchak Bathani P.S. Case No. 147 of 2015.

3. It is submitted that the petitioners have been falsely
implicated as there is ongoing dispute between the petitioners
and the informant relating to the land and business. Petitioners
are own brother and nephew of the informant.

4. Learned APP for the State from paragraphs 33 and
34 of the case diary points out that the injuries on the informant
are simple in nature whereas injury no. 2 suffered by the

informant's wife on the right forearm is said to be grievous in nature.

5. Considering the specific allegation of assault by the petitioner no. 2 (Manish Kumar) along with co-accused Dinesh Prasad on the informant's wife and the latter having suffered grievous injuries, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no. 2. The bail petition stands dismissed as against him.

6. Considering that there is no specific allegation of assault against petitioner no. 1 (Arvind Prasad @ Arvind Kumar), in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Neemchak Bathani P.S. Case no. 147 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Vikash Jain, J)

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