

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12421 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -BARURAJ District- MUZAFFARPUR

- =====
1. Ram Ashish Prasad Khushwaha @ Ram Ashraya @ Ram Ashray Bhagat S/o Tapeswar Bhagat
 2. Shaym Babu S/o Rama Ashish Bhagat @ Ram Ashray Bhagat Both residents of village - Kathauliya, P.S. - Baruraj, Dist - Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sunil Kumar Pandey, Advocate.

For the Opposite Party : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 22-10-2016

Heard both sides.

The petitioners apprehend their arrest in Baruraj P.S. Case No. 05 of 2015 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that he went near the transformer and found that the transformer was burning. The informant enquired about the reason of burning of transformer. The petitioners and others are alleged to have assaulted the informant. The informant went to the house of Mukhiya to complain and while he was returning the petitioners are alleged to have assaulted the informant with Garasa on his head.

Learned counsel for the petitioners submits that there is no injury on the head of the informant. When the informant was treated in

primary health centre there was 3” stitch wound on the right parietal region of the informant and another injury was swelling of 2” diameter on left neck. It has come nowhere that how the informant got stitch wound at the time of treatment in primary health centre. It is further submitted that the petitioner was referred to S.K.M.C.H., Muzaffarpur and the doctor of S.K.M.C.H., Muzaffarpur who treated Raj Kishore Sah gave his report that the injury is opined to be simple in nature.

Considering the facts aforesaid and the fact that some altercation took place in between the informant and others and for that there was mutual assaults and the informant got simple injury on account of assault made by the petitioners, the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Muzaffarpur in Baruraj P.S. Case No. 05 of 2015, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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