

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7332 of 2016

Arising Out of PS.Case No. -170 Year- 2015 Thana -ANDER District- SIWAN

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1. Prakash Bhagat @ Ram Prakash Bhagat son of Late Salik Bhagat,
 2. Deepak Bhagat, sonof Prakash Bhagat
 3. Rajender Singh, son of Paras Singh All Resident of village- Mitwar, P.S.-
Andar, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2016 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, 341, 323, 324, 379, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that six accused persons came armed with dagger and lathi and assaulted the informant. It is alleged that petitioner no.1 assaulted with dagger on the back of the informant when petitioner nos. 2 and 3 assaulted with knife on the head of the informant and also snatched ₹1,400/-, mobile and wrist watch.

It is submitted by learned counsel for the petitioners that

the accusation of making assault is against six accused persons when only two injuries have been found. The accusation against petitioner nos. 2 and 3 is to have caused injury with knife on the head of the informant but one lacerated injury of marginal size has been found for which opinion has been kept reserved. Though, it is alleged against petitioner no.1 to have assaulted with dagger on the back of the informant but the said injury has been found incise. There is counter version of the occurrence also.

Considering the fact that accusation with regard to petitioner nos. 2 and 3 is not being corroborated by the medical opinion, let the above named petitioner nos. 2 and 3 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 J.M., Siwan in connection with Andar P.S. Case No. 170 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner no.1 is concerned, since the accusation of causing injury with dagger on the back of the informant is alleged against him which is being corroborated by the medical opinion, this court is not inclined to grant anticipatory

bail to him.

Let the learned court below consider the prayer for regular bail of petitioner no.1 if he surrenders within a period of six weeks.

Accordingly, the application with regard to petitioner no.1 is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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