

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10418 of 2016

Arising Out of PS.Case No. -273 Year- 2015 Thana -DESARI District- VAISHALI(HAJIPUR)

- =====
1. Baby Devi W/o Jagdish Chaudhary
 2. Usha Kumari D/o Jagdish Chaudhary
 3. Amish Kumar @ Aashish Kumar @ Atish Kumar S/o Jagdish Chaudhary
 4. Rinku Devi W/o Amardeep Chaudhary All are residents of village - Bhikanpura, P.S. - Desari (Chandrapura O.P.), District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-03-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,324,379 and 307/34 of the Indian Penal Code.

The prosecution case is that the petitioners and other co accused persons assaulted the wife of the informant with farsa when she fell down and became unconscious. The son and daughter of the informant came to rescue when they were also assaulted by the petitioners with Hasuli and knife. The wife of Jagdish Choudhary snatched gold chain from the wife of the informant and rupees twenty one thousand was snatched from the

informant.

It is submitted by the learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. Injuries of the injured have been found to be simple whereas with regard to other injuries opinion has been kept reserved. There is counter version of the occurrence. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent. It is further submitted that though the wife of the informant namely Shakuntala Devi alleged to have been assaulted with farsa by five accused persons but out of two injuries only one sharp cut injury has been found. The son of the informant alleged to have been assaulted by Hasuli but the injury report reflects that his injury has been found to be lacerated caused by hard and blunt substance whereas daughter of the informant has also received abrasion though she is alleged to have been assaulted by knife.

Considering the accusation not being corroborated by the medical opinion, the Statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent and the case lodged by the petitioners side at earlier point of time, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within

a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Desari P.S. Case No.273 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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