

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12578 of 2016

Arising Out of PS.Case No. -386 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Vishwajit Sarkar Son of Gopal Sarkar
 2. Guddu KUMar Sarkar @ Guddu Sarkar Son of Gopal Sarkar
 3. Kanhai Sarkar Son of Late Shukdeo Sarkar
 4. Nayan Bala Sarkar Wife of Gopal Sarkar
 5. Durgi Sarkar Wife of Ranjit Sarkar
- All are resident of village - Sirsa Colony, P.S. Muffasil Motihari, District
- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Ram Chandra Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 17-03-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 379, 427, 448, 504 and 506 of the Indian Penal Code.

The prosecution case is that the informant's husband purchased one katha of land from late Sunil Chandra Bishwas and constructed two rooms, which is adjacent to the ancestral home of the informant. On 18.11.2015 at 5.30 P.M.



when the informant and her husband were sitting at their door, in the meantime, all the accused persons including the petitioners and 4-5 unknown came variously armed and started dispossessing the informant. On protest being made co-accused Ranjeet Sarkar assaulted on the head of the informant and her husband with Dab as a result the informant and her husband received cut injury. Co-accused Manjeet Sarkar assaulted the husband of the informant with knife which caused injury on the right shoulder of the husband of the informant. Co-accused Gopal Sarkar assaulted with Khanti while others assaulted with lathi, danda and bamboo stick. When the son of the informant came to rescue all the accused persons assaulted him. It is alleged that petitioner no. 4 Nayanbala Sarkar to have snatched gold chain worth Rs.30,000/-.

It is submitted by learned counsel for the petitioners that specific accusation of assault is against Ranjeet, Manjeet and Gopal. There is omnibus and general accusation of assault against the petitioners. The injuries of the informant and her son have been found superficial simple in nature whereas husband of the informant has received three injuries, of which one has been found to be grievous which is alleged to have been caused by co-accused Ranjeet Sarkar.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the specific accusation of assault has not been levelled against the petitioners, 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 386 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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