

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17318 of 2016

Arising Out of PS.Case No. -423 Year- 2015 Thana -BARBIGHA District- SEKHPURA

1. Ram Lal Kumar @ Lalan Ram @ Lalan Kumar S/o Murari Ram
2. Karan Kumar @ Karan Ram S/o Murari Ram
Both R/o Laxmipur, P.S. Barbigha (Kewti), District - Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-04-2016 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 354B, 504, 506/34 of the Indian Penal Code.

The prosecution case is that the informant and her husband used to work as contractor for supply of labourers. When the husband of the informant gave Rs. 2,40,000/- to Murari Ram and petitioner no. 1 Ram Lal Kumar @ Lalan Ram @ Lalan Kumar for distribution to the labours, but neither payments were made nor labours were supplied. Thereafter, the husband of the informant made Panchayati, in which the accused persons assured to make payment till 30.11.2015. On 04.12.2015 the co-accused Murari Ram and his son abused

the husband of the informant by calling caste name and assaulted him with fists and slaps. Petitioner no. 1, Ram Lal Kumar @ Lalan Ram @ Lalan Kumar is alleged to have outraged the modesty of the informant.

It is submitted by the learned counsel for the petitioners that though accusation of assault has been levelled against petitioner no. 1 and Murari Ram, but neither informant nor husband of the informant received any substantial injury. At earlier point of time co-accused Murari Ram filed Barbigha P.S. Case No. 397 of 2015 against the husband of the informant levelling accusation under Sections 341, 323, 354A, 506/34 of the Indian Penal Code, thereafter the present case has been lodged.

Considering the fact that at earlier point of time petitioners have filed a case against the husband of the informant and no substantial injuries have been received by the informant and her husband, let the above named petitioners be released on provisional anticipatory bail for three months in the event of their 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 like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sheikhpura, in connection with Barbigha (Kewti) P.S. Case No. 423 of 2015, subject to the conditions as laid down under Section 438 (2)

Cr.P.C.

Provisional bail of the petitioners will be confirmed by the learned court below if it is found that informant and her husband have not received any substantial injury. If the learned court below comes to the conclusion otherwise the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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