

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17753 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -KHAIRA District- SARAN

1. Mukesh Paswan
2. Deepak Paswan both sons of Shiv Chand Manjhi null
3. Dheeraj Kumar son of Late Anandi Manjhi all residents of Nagra, Police Station Khaira (Nagra), District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners submits that the petitioner No. 2, Deepak Paswan has since been arrested, hence this application has become infructuous as against him.

Petitioner Nos. 1 and 3, namely, Mukesh Paswan and Deeraj Kumar apprehends their arrest in connection with Khaira (Nagra) P.S.Case No. 34/2016 for offences alleged under Sections 147, 148, 149, 341, 323, 324, 448, 307, 354, 379, 506 of the I.P.C.

The prosecution case is that all accused persons armed with weapon reached the house of the informant, Prem Chandra Manjhi and committed loot and on protest, Shivchandra Manjhi



ordered to kill on which Mukesh Paswan (petitioner No.1) assaulted by farsa on the head of the informant and Dheeraj Kumar (petitioner No. 3) assaulted Ranjit Paswan by a knife on his head and in the meantime, Deepak Paswan bit on the left cheek of informant's wife and opened her sari and stolen cash Rs. twenty thousand and a gold ring and jhumka etc.

It has been submitted by the learned counsel for the petitioners that the present F.I.R. has been lodged on the basis of occurrence dated 18.02.2016 but a counter case has been filed against the informant prior to the present case being Khaira/Nagra O.P.Case No. 31/2016 for an occurrence dated 17.02.2016.

Learned counsel for the petitioners further submits that these petitioners have no criminal antecedent and the petitioners being co-villagers, have been falsely implicated and the informant's side is inimical to these petitioners. He further submits that as per the injury report the injury caused on the informant is simple in nature, caused by hard and sharp object. He further submits that petitioners also received injuries caused by the informant's side and the one caused on the father of petitioner No. 1 is grievous, who has been referred to Chapra.

Learned counsel for the informant as well as learned A.P.P. submits that the petitioners are named in the F.I.R. and they

inflicted severe blow on the informant and his son. Hence, the learned A.P.P. opposes the prayer for bail.

Be that as it may, since the counter case is prior to the date of occurrence and both sides being on inimical terms, let the above named petitioners in the event of their arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran in connection with Khaira (Nagra) P.S. Case No. 34/2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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