

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20042 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -JAMUI District- JAMUI

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1. SURO MISTRY @ SURE VISTRI S/o late Dasho Mistry
 2. Ram Bhajju SharmaBhajju Mistry S/o late Dashu Mistry
 3. Shyam Sundar Sharma@Shyam Sundar Mistry S/o Ramde Sharma
 4. Pintu Sharma@Pintu Mistry S/o Ramdeo Sharma
 5. Mithun Kumar@Mithun Mistry S/o Suro Mistry
- All are resident of Village- Chaura PS Jamui, Distt Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 05-05-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code and 3(1) (x) of the S.C./S.T.(Prevention of Atrocities) Act.

The prosecution case is that on 19.02.2016 at 6.30 P.M. when the informant was going to ease, in the meantime petitioner no. 1, Suro Mistry @ Sure Vistri abused him. When the informant was returning home then petitioner no. 3, Shyam Sundar Sharma @ Shyam Sundar Mistry, petitioner no. 4 Pintu Sharma @ Pintu Mistry, co-accused Bhajju Mistry and Sarojini Devi



surrounded him and abused him. It is alleged that petitioner no. 3, Shyam Sundar Sharma @ Shyam Sundar Mistry assaulted with sword on the head of the informant and other co-accused assaulted him by lathi and danda. When wife and mother-in-law namely Chameli Devi came to rescue the informant then petitioner no. 5 Mithun Kumar @ Mithun Mistry cut the eyebrow from scissor, thereafter the informant was taken to the hospital.

It is submitted by the learned counsel for the petitioners that injuries have been superficial simple in nature. For the occurrence of 19.02.2016 at 6.30 P.M. the First Information Report was registered on 20.02.2016 at 1.15 P.M. statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the specific accusation of assault against petitioner no. 3, Shyam Sundar Sharma @ Shyam Sundar Mistry and petitioner no. 5, Mithun Kumar @ Mithun Mistry, let the learned court below consider the prayer for regular bail of the above named petitioner nos. 3 and 5, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Jamui P.S. Case No. 49 of 2016, pending in the court of learned Chief Judicial Magistrate, Jamui.

So far as petitioner nos. 1, 2 and 4 are concerned, since the accusation of assault are not specific

against them, let the above named petitioner nos. 1, 2 and 4 be released on bail 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 49 of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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