

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24044 of 2016

Arising Out of PS.Case No. -259 Year- 2015 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Kishori Singh son of Late Jag Narayan Singh
2. Bittu @ Dowan @ Bittu Kumar son of Sunil Singh @ Gabbar Singh
..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-05-2016 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, 307, 504/34 of the Indian Penal Code.

Prosecution case is that on 25.07.2015 at 9 AM while the informant was working in his field, the petitioners and other accused persons came and abused the informant. On protest being made petitioner no.1 Kishori Singh ordered his son to kill the informant. Thereafter, all the accused persons started assaulting the informant when co-accused Sunil Singh assaulted with spade on the head of the informant causing rapture injury, as a result the informant got unconscious.

It is submitted by learned counsel for the petitioners that petitioner no.1 is 85 years of age when petitioner no.2 is a student. On conclusion of investigation, the petitioners were not sent up for trial but differing with the final form cognizance has been taken. A statement to that effect has been made in paragraph numbers 14 and 15, which reads as follows :-

14. That after investigation of this case police submitted final report against the petitioner saying that both the petitioners are innocent and after investigation the police submitted charge sheet against co-accused Sunil Singh.'

15. That after submission of final report the learned Court below differ with the final report took cognizance against the petitioners and others on 19.04.2016 under section 341, 323, 504, 307/34 of the Indian Penal Code.

It is further submitted that though the informant is alleged to have been assaulted by sharp cutting weapon spade but the injury has been found to be caused by hard and blunt substance. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the accusation being not corroborated with medical opinion, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nalanda at Biharsharif in connection with Rahui (Bhaganbigha) P.S. Case No.259/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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