

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46778 of 2015

Arising out of PS.Case No. -50 Year- 2015 Thana -CHAUSA District- MADHEPURA

Najo Das, S/o late Yugal Das, resident of Village Ghosai, Police Station - Chousa ,District Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Singh, Advocate.

For the Opposite Party : Mr. Shailendra Kumar No.1(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 01-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Chousa P.S. Case No. 50 of 2015 for the offences instituted under Sections 341, 323, 324, 307, 354(A), 448 and 380/34 of the IPC.

The prosecution story, in brief, is that on 29.05.2015 at 8.00 A.M. while the wife of the informant, namely, Parmanti Devi, was doing domestic work in the house and the informant was at his door then the co-accused Bhogo Das entered into the courtyard of the informant from back and embraced Parmanti Devi in his arms with bad intention and when the wife of the informant raised alarm then the informant came in the courtyard and rescued



his wife from the cloth of co-accused Bhogo Das. It has been further alleged that co-accused Bhogo Das went to his house, brought iron made Khanti and assaulted the informant on his head by Khanti in order to kill him causing bleeding injury from his head and he fell down on the ground. It has been further alleged that when the brothers and the uncles of the informant, namely, Sanjay Das, Wakil Das and Bhutai Das respectively came to save the informant then the petitioner Najo Das and co-accused persons namely, Madan Das and Lalo Devi having armed with lathi-danda, Khanti came in the courtyard of the informant and started assaulting to the informant, his wife, brother and uncles indiscriminately by means of lathi-danta and Khanti causing injuries in the whole body of the wife of the informant, causing injury to the head of informant's brother, Sanjay Das and fracture on bone of his left hand, causing injuries to the left leg and other parts of the body of the informant's uncle Wakil Das and also causing injuries at several parts of the body of the informant's uncle Bhutai Das. It has been further alleged that accused persons snatched silver chain and ear-rings from the body of the informant's wife and further they took away cash of Rs. 30,000/- from the box kept in the house of the informant and fled away.

It has been submitted on behalf of the petitioner that the

petitioner has got no criminal antecedent. It is a case and counter case. Counter-case is Annexure-2 to the present application. From perusal of Annexure-2, it appears that in course of occurrence, the petitioner is also said to have been injured. From perusal of injury report, it appears that Injury Nos. 1 and 3 are simple in nature and Injury No. 2 is grievous. No specific injury has been attracted against the petitioner.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Chousa P.S. Case No. 50/2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Uda-Kishunganj, Madhepura, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)