

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36131 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -PIRI BAZAR District- LAKHISARAI

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1. Rajesh Kumar
2. Bidesh Kumar
Both son of Uttam Mahto, resident of village- Bariyarpur, P.S.- Piri Bazar, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-09-2016

It is submitted by the learned counsel for the petitioners that petitioner no. 2 namely Bidesh Kumar has been arrested. Hence, his application was disposed of vide order dated 22.08.2016, passed by a Co-ordinate Bench of this Court. The order dated 22.08.2016 does not reflect as such.

The application with regard to petitioner no. 2 namely Bidesh Kumar stands disposed of.

Heard learned counsel for the petitioner no.1 namely Rajesh Kumar and the State.

Petitioner no. 1 is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 337, 307, 504, 506/34 of the Indian Penal Code.

The prosecution case is that petitioner Rajesh Kumar and his brother Bidesh Kumar being the nephew of the

informant along with Jhunki Devi came armed with lathi. This petitioner assaulted with lathi on the head of the informant. When informant fell down, then the accused Bidesh Kumar, his mother Jhunki Devi, his wife and the petitioner no. 1 Rajesh Kumar assaulted him.

It is submitted by the learned counsel for the petitioner no. 1 that informant has received six injuries but all the injuries are simple in nature including the injury caused by the petitioner. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. Moreover, the accusation has been levelled in the background of property dispute.

Considering the nature of accusation, it is a case for consideration of prayer for bail on surrender, let the learned court below consider the prayer for bail of the petitioner no. 1, if the petitioner no. 1 surrenders before the learned court below within a period of six weeks from today in connection with Piri Bazar P.S. Case No. 35 of 2016, pending in the court of learned Sub-Divisional Judicial Magistrate, Lakhisarai.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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