

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32998 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -HISUA District- NAWADA

1. Balmiki Singh,
2. Subodh Singh, Both sons of Late Kunwar Singh, residnet of Village-
Badhauna, P.S- Hisua, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. Sri Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with Hisua
P.S.Case No. 94 of 2016 registered for the offence punishable
under Sections 341, 323, 379, 307, 504 and 34 of the Indian Penal
Code.

The prosecution case is that on 06.05.2016 at about 6
A.M. the informant alongwith her children was sitting at their
darwaja. In the meantime her neighbours Balmiki Singh and
Subodh Singh came and started abusing. When her husband
forbade to do so Balmiki Singh pointed pistol over her husband
and Subodh assaulted her son with rod due to which her son



Jitendra sustained head injury. Ravi Kumar pointed pistol on the head of the informant and snatched her gold chain from her neck. Ritesh Kumar assaulted the informant's another son Dhananjay Kumar with rod on his head and when her third son Sanjay came to save, he was also assaulted with pistol by Balmiki Singh causing injury on his head.

It has been submitted by the learned counsel for the petitioner that they are own brothers and co-villagers of the informant's side. It has further been submitted that they are innocent and have been implicated due to some drainage dispute. He further submits that there is a counter case bearing Hisua P.S.Case No. 93/2016 lodged by the petitioner's side. Section 307 is not attracted as the injury on the informant's side has to be found to be simple in nature. He further submits that Section 379 is a super addition and the matter relates to civil dispute.

However, learned A.P.P. for the State submits that the petitioners are own brothers and named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the matter relates to civil dispute and a counter case has been lodged prior to the institution of the present case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a

period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- III, Nawada in connection with Hisua P.S.Case No. 94 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that if the petitioners are found to be involved in cases of similar nature as aforementioned in future, the learned court below will be at liberty to cancel the bail bonds of the petitioners without being prejudiced with this order.

(Nilu Agrawal, J)

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