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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45650 of 2016
Arising Out of PS.Case No. -371 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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1. Anil Jha S/o Balam Jha
2. Dhiraj Jha S/o Anil Jha Both resident of Village- Balgudar, P.S.- Lakhisarai, District- Lakhisarai. .... Petitioner/s

Versus

1. The State of Bihar .... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi
For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-11-2016 Heard both sides.

The petitioners apprehend their arrest in Lakhisarai P.S. case No. 371 of 2016 under Section 307 and other Sections of the Indian Penal Code.

The informant filed complaint case No. 103C of 2016 on 03.02.2016 alleging therein that on 28.01.2016 both the petitioners assaulted Vickky Kumar with stick. Anil Jha snatched Hanumani from the neck of Vickky Kumar and Dhiraj Kumar snatched money from his pocket.

The learned counsel for the petitioners submits that petitioners are innocent and have, in fact, committed no offence. The occurrence took place on 28.01.2016 but after a week the complaint petition was filed on the basis of which the present FIR was lodged. The police after investigation did not find the case

true under Section 307 of the IPC but the supervisory authority directed the I.O. to submit charge sheet under Section 307 of the IPC also. Vickky Kumar got one lacerated wound and another bruise whereas the petitioners are alleged to have indiscriminately assaulted Vickky Kumar with stick on different parts of his body but only two injuries, one lacerated wound and another bruise are found on the person of Vickky Kumar, which are simple in nature. The petitioners are father and son.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in Lakhisarai P.S. Case No. 371 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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