

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47102 of 2016

Arising Out of PS.Case No. -146 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

- =====
1. Suraj Poddar, son of late Dhyani Poddar.
 2. Shiv Narayan, Poddar son of Late Dhyani Poddar
 3. Shankar Poddar, son of Dinkar Poddar
 4. Natho Poddar, son of Dinkar Poddar
 5. Parbind Poddar, Son of Shiv Narayan Poddar, All resident of Village-
Gopalpur Arthuwa, P.s.- Kusheshwar Asthan, District- Dharbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Kusheshwar Asthan P.S. Case no. 146 of 2016, registered under
Sections 341, 323, 325, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 18.06.2016 Bina Devi, daughter
of the informant, was assaulted by the petitioners. When informant
moved to lodge the case, his neighbour suggested him to settle the
matter in the Panchayat. Thereafter, on 21.06.2016, when informant
along with his daughter Bina Devi were coming from market then in
the way all the nine persons named in the F.I.R. surrounded them. At
that time, petitioner No.1 Suraj Poddar caused injury to him through



iron rod causing fracture injury at the left hand and head of the informant and he also snatched golden chain from the neck of Bina Devi, daughter of the informant, whereas petitioner No.2 Shiv Narayan Poddar took out Rs. 5500/- from the pocket of the informant and snatched clothes purchased by the informant from the market.

Learned counsel for the petitioners submits that while nine persons are named in the F.I.R., including the petitioners, but there is specific allegation against petitioner no.1 Suraj Poddar, who caused fracture injury to the informant and snatching of golden chain from the neck of Bina Devi, daughter of the informant. Further allegation is against petitioner No.2 Shiv Narayan Poddar, who snatched Rs. 5500/- and clothes of the informant. Whereas, petitioner Nos. 3, 4 and 5 are named in the F.I.R., but no specific overt act has been attributed against them.

Having regard to the facts and circumstances of the case, let the above named petitioners, namely, (1) Shiv Narayan Poddar, (2) Shankar Poddar, (3) Natho Poddar and (4) Parbind Poddar, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 146 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



So far as petitioner No. 1 Suraj Poddar is concerned, having considered the facts and circumstances of the case and the nature of allegation against the petitioner no.1 Suraj Poddar, I am not inclined to grant anticipatory bail to him. Accordingly, his prayer for grant of anticipatory bail stands **rejected**. The petitioner Suraj Poddar is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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