

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57628 of 2015

Arising Out of PS.Case No. -117 Year- 2015 Thana -KADWA District- KATIHAR

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1. Gurjeet Choudhary Son of Kailash Choudhary
2. Tinku Bhagat son of Ashok Bhagat
Both are Resident of Bhogaon, P.S Kadwa, District Katihar.
..... Petitioner/s

Versus

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

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar Singh 1 (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-01-2016 Heard learned counsel for the petitioners and learned A.P.P.
for the State.

The petitioners apprehend arrest in connection with Kadwa
P.S. Case No. 117/2015 registered for offences punishable under
Sections 341/323/324/326/307/504/34 of the Indian Penal Code.

The prosecution case is that the informant, Vinod Kumar
Sah, alleged therein that on 19.08.2015 at 11.00 A.M. there was
programme of roof moulding of Panchayat Sarkar Bhawan at
Haatbari and his son Rajeev Kumar Sah and other villagers were
present, then the accused (1) Sunil Kr. Sah (2) Gurjeet Choudhary
(petitioner No. 1) and (3) Tinku Bhagat (petitioner No. 2) came
and switched off the mixture machine and told they will not allow
the moulding of roof, upon which Rajeev Kumar Sah son of the
informant and villagers objected. Upon this, the accused persons

started abusing his son, who fled away to his electronic shop. The accused Sunil Kumar Sah went to his house and brought Katta to the electronic shop of his son, abused his son and called his friends Gurjeet (petitioner No. 1) and Tinku Bhagat (petitioner No. 2). Co-accused Sunil Kr. Sah attacked his son with Katta causing injury to his son Rajeev Kr. Sah on his head. On hulla his elder brother Neeraj Kumar Sah came for rescue, who was also assaulted by Sunil Kr. Sah with Katta and informant was also assaulted having received head injury. The villagers came and took them to Public Health Centre for treatment.

It has been submitted by learned counsel for the petitioners that no overt act has been alleged against them. In fact, it has been submitted by the counsel for the petitioners that for the same occurrence, a counter case has been lodged by co-accused Sunil Kumar Sah bearing Kadwa P.S. Case No. 118 of 2015 on the same date itself which signifies that relation between both the petitioners' side and the informant's side was not cordial, and both sides received injury in which one of the co-accused Sunil Kumar Sah has received grievous injury and other persons were also injured. It has further been submitted that the petitioners have no criminal antecedent as is evident from paragraph No. 3 of this petition.

Be that as it may, let the abovenamed petitioners in the event of their arrest / surrender within a period of eight weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Judge, Katihar in connection with Kadwa P.S. Case No.117/2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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