

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1734 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -KURSELA District- KATIHAR

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1. Madan Rishi S/o Late Nepali Rishi
 2. Luti Rishi S/o Mandan Rishi
 3. Mahrani Devi W/o Madan Rishi
 4. Birenchi Rishi S/o Late Polay Rishi
 5. Dipak Rishi S/o Luti Rishi
 6. Lakshmi Devi W/o Luti Rishi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-01-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 307, 379 and 427 of the Indian Penal Code.

Prosecution case is that on 10.07.2015 at 06.00 p.m. all the accused persons including the petitioners variously armed with entered into the house of the informant and started pelting stones. It is alleged that petitioner nos.1 and 2 assaulted with iron rod on the head of the brother of the informant namely, Hitesh Kumar, who sustained head injuries. The accused persons are further alleged to have assaulted him and his wife and took away

Rs.5000/- from the pocket of the informant. The genesis of the occurrence is cutting and damaging the crop by the accused persons.

It is submitted by learned counsel for the petitioners that there is counter version of the occurrence also and one superficial simple injury has been found on the brother of the informant. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Since there is specific accusation of assault against petitioner nos. 1 and 2, let the learned Court below consider the prayer for regular bail of the petitioners, if they surrender within a period of six weeks in connection with Kursela P.S. Case No.82/2015, pending before the learned CJM, Katihar.

With the above observation, this application so far as it relates to petitioner nos. 1 and 2 is, accordingly, disposed off.

So far as petitioner nos. 3 to 6 are concerned, since the accusation being omnibus and general against them aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar

in connection with Kursela P.S. Case No.82/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.



Ashwini/-

(Dinesh Kumar Singh, J)

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