

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3971 of 2016

Arising Out of PS.Case No. -244 Year- 2015 Thana -KOTWALI District- MUNGER

1. Kanhiya Kumar @ Dipu

2. Shiv Raj Kumar,

Both sons of Raj Kumar Sah @ Raj Kumar Prasad Sah @ Raj Kumar

Prasad, Residents of Mohalla - Gandhi Chowk, P.S. - Kotwali, District

- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan

For the Opposite Party/s : Mr. Dilip Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 27-01-2016

Heard learned counsels for the petitioners

and the State.

The petitioners being the nephew of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 506, 504 and 379/34 of the Indian Penal Code.

The prosecution case is that on 19.10.2015 at about 8.00 P.M. the accused persons including the petitioners came armed with knife and lathi and started assaulting the

informant when the wife and daughter of the informant came to rescue they were also assaulted. Thereafter, they destroyed the articles of the shop of the informant and took away rupees fifty thousand.

It is submitted by learned counsel for the petitioners that in the background of land dispute and pending title suit the accusation has been levelled. The accusation is omnibus and general and injuries with regard to the wife and daughter of the informant were found to be simple, though, opinion with regard to the informant's injury is not on the record. For the occurrence of 19.10.2015 the FIR was registered on 27.10.2015, though, the fard-beyan was recorded on 19.10.2015 at Sadar Hospital, Munger.

Considering the accusation levelled in the background of land dispute and pending title suit coupled with the statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial

Magistrate, Munger in connection with Munger Kotwali P.S.
Case No. 244 of 2015, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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