

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4859 of 2016

Arising Out of PS.Case No. -413 Year- 2015 Thana -SIWAN MUFFASIL District- SIWAN

- =====
1. Akash Sah son of Manager Sah
 2. Manager Sah son of Late Swami Nath Sah,
Both Residents of Village- Dhanauti Math, P.S.- Dhanauti O.P., District-
Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 05-02-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 427, 504 and 506/34 of the Indian Penal Code.

The prosecution case is that the son of the informant, Dhananjay Sah, went to the house of Sita Kumari, who snatched the mobile of the son of the informant when five FIR named accused persons including the petitioners assaulted the son of the informant. When the informant and other son of the informant Munna Sah went to rescue then they were



assaulted by co-accused Amit Kumar with axe. It is alleged that co-accused Gyanti Devi and Chanda Devi assaulted the son of the informant, Munna Sah. The grand son of the informant, Guddu Kumar was assaulted by petitioner no. 1 Akash Sah with Hockey sticks on his head. Daughter-in-law of the informant, Lalita Devi, was assaulted by co-accused Amit Kumar with axe. It is further alleged that accused persons broke bicycle of the son of the informant, Dhananjay Sah, and took away rupees seven thousand from of the purse of the son of the informant.

It is submitted by learned counsel for the petitioners that for a petty dispute the accusation has been levelled. The accusation of making assault is omnibus and general against all the accused persons. The specific accusation of assault to Munna Sah is against co-accused Amit Kumar. There is accusation against petitioner no. 1 Akash Sah to have assaulted grand son of the informant, Guddu Kumar, but only one lacerated injury marginal size on the occipital region has been found simple in nature. For the occurrence of 02.10.2015 the FIR was registered on 10.10.2015.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the

informant that the accusation of assaulting the informant is against all the accused persons including the petitioners, though, initially the opinion was kept reserved for four injuries out of five injuries received by son of the informant, Munna Kumar.

Considering the delayed lodging of the case, there is no specific accusation of assault against petitioner no. 2 Manager Sah and the injury caused by petitioner no. 1 has been found superficial simple in nature, 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 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, Siwan in connection with Siwan (M) Dhanauti O.P. P.S. Case No. 413 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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