

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9362 of 2016

Arising Out of PS.Case No. -226 Year- 2015 Thana -KASIMBAZAR District- MUNGER

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1. Naresh Mandal Son of late Jageshwar Mandal
 2. Uttam Kumar@ Anju Bharti @Anuj Bharti son of Naresh Manda both R/o Bindwara Navtola Manal tola, P.s Kasim Bazar, District Munger.
 3. Ravikant kumar @Ravi Kant Son of Binod Kumar R/o Barhiya P.s Barhiya District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. M.Rab(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-03-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 347,341,307,379 and 504/34 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case is that on 24.12.2015 at 4.30 P.M. the petitioners along with co accused Niranjana Mandal and ten unknown started abusing the informant. It is further alleged that petitioner no. 2 Uttam Kumar made indiscriminate firing but it did not cause any injury to the informant. Thereafter, co accused Niranjana Mandal and petitioner no. 1 caught hold of the informant

and assaulted with fists and slaps and petitioner no. 3 snatched rupees five thousand from the pocket of the informant.

It is submitted by the learned counsel for the petitioners that for the occurrence of 24.12.2015 the FIR was registered on 28.12.2015 through a written report submitted by the informant. The accusation of firing is against petitioner no. 2 but admittedly none received injury nor there is anything on record to suggest that actually firing was made. It is further submitted that the accusation of making assault with fists and slaps to the informant, hence no offence under section 307 IPC is made out. More over, the informant has not been examined by the doctor nor there is any medical report on record. Though it is alleged that petitioner no. 3 snatched five thousand rupees from the pocket of the informant but the petitioner nos. 2 and 3 claim to be government servant and they were on duty on the alleged date of occurrence. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the delayed lodging of the case, Statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent and the fact that none received any injury, 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Munger in connection with Kasim Bazar P.S. Case No.226 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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