

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8234 of 2016

Arising Out of PS.Case No. -377 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Munna Kumar @ Munnalal Prasad son of Tejilal Sah @ Tejilal Mahto
resident of Village- Bishunpur, P.S.- Jharokhar, District- East Champaran.
2. Anshu Kumar @ Himanshu Kumar son of Ishwardeyal Mahto, resident
of Village- Nonaura, P.S.- Ghorasahan, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioners and the

learned Special P.P. for the State.

The Petitioners apprehend their arrest in Ghorasahan
(Jharokhar) P.S. Case No. 377 of 2015 registered for offences
punishable under Sections 341, 323, 324, 307, 504, 379, 406 and
420 of the Indian Penal Code and Section 3 (1) (x) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
ACT.

The prosecution case is that on 15.10.2015 at 9 P.M.
the informant went to the house of one Tejilal Mahto for
demanding the due amount money with regard to transfer of land
to the informant when all the accused persons including the
petitioners abused the informant. On protest being made, Tejilal

Mahto assaulted with 'Nepali Khukhari' on the head of the informant. It is alleged against Munna Kumar, petitioner No. 1 that he assaulted him with "bicycle" chain on his waist. On alarm being raised Naresh Ram came to rescue who was assaulted by petitioner No. 2 on neck by 'chhura' and also abused. The accused persons also snatched gold chain worth Rs. 28,000/, wrist watch worth Rs. 3300/- and cash Rs. 12,000/- from the informant.

It has been submitted by the learned counsel for the petitioners that the injury caused by the Petitioner No. 1 on the informant is found to be simple in nature and injury caused by petitioner No. 2 on the neck of the Naresh Ram has also been found to be simple in nature. He further submits that the matter relates to civil dispute and the injury caused on the neck of the informant, can not be attributed to the petitioner No. 1.

It has further been submitted that the informant has retracted from his version and filed a petition to the effect, which is filed with this application. A statement has been made in para-3 of this application that the petitioners have no criminal antecedent and that one similar co-accused has been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 9413 of 2016 dated 01.03.2016 on similar allegations.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report and

although, the injury caused by the petitioner No. 2 has found to be simple in nature but it is hard and sharp substance, hence, opposes the prayer for bail.

.Be that as it may, let the petitioners, above named, in the event of his their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Sikrahana at Dhaka, East Champaran in connection with Ghorasahan (Jharokhar) Case No. 377 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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