

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10368 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -NARDIGANJ District- NAWADA

1. Nitish Kumar Son of Heera Chauhan
2. Heera Chauhan Son of Mohan Chauhan Both residents of Village :
Sirpatiya, Police Station : Nardiganj, District : Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2016

Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending his arrest in a
case registered for the offences punishable under Sections
341, 323, 324, 307, 385, 379, 504/34 of the Indian Penal
Code.

The prosecution case is that the accused persons
including the petitioners came, surrounded the informant
and demanded extortion of Rs. 50,000/-. Petitioner no. 1
Nitish Kumar assaulted to the informant with butt of the
country made pistol, causing fracture of left hand.
Petitioner no. 2 Heera Chauhan assaulted the informant
with khanti, causing head injury, as a result informant fell
down and became unconscious, then he took away gold

chain and cash Rs. 20,000/- from his pocket. On alarm being raised, informant's younger brother Lalan Chauhan came, then he was assaulted by Navneet Kumar with iron rod and Mukesh Kumar assaulted with khanti on his left eye.

It is submitted by the learned counsel for the petitioners that except one injury on the left hand all the injuries of the informant have been found simple in nature. The petitioners are not alleged to have assaulted the brother of the informant. There is counter version of the occurrence. The petitioners' sides have also received injuries.

Considering the fact that petitioner no. 1 Nitish Kumar has caused grievous injury to the informant, let the learned court below consider the prayer for regular bail of the above named petitioner no. 1, if he surrenders before the learned court below within a period of six weeks from today in connection with Nardiganj P.S. Case No. 149 of 2015, pending in the court of learned Sub-Divisional Judicial Magistrate, Nawada.

So far as petitioner no. 2 is concerned, he has not caused grievous injury and there is counter version of the occurrence, let the above named petitioner no. 2 be released on bail in the event of his 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) with two

sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nawada in connection with Nardiganj P.S. Case No. 149 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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