

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15207 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -KATEYA District- GOPALGANJ

- =====
1. Sharma Kushwaha, Son of Keshwar Kushwaha
 2. Timal Kushwaha, Son of Keshwar Kushwaha
- Both residents of village – Harwarwa, Police Station – Kateya, District
– Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 12-04-2016

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, 324, 325 and 307/34 of the Indian Penal
Code.

The prosecution case is that petitioner no.
1 Sharma Kushwaha assaulted the informant with iron rod on
her arm and thigh. On alarm her son and daughter came to

rescue then petitioner no. 2 Timal Kushwaha inflicted Dab blow on the head of her son Kamlesh Kushwaha. The petitioners along with their wives assaulted the son and daughter of the informant.

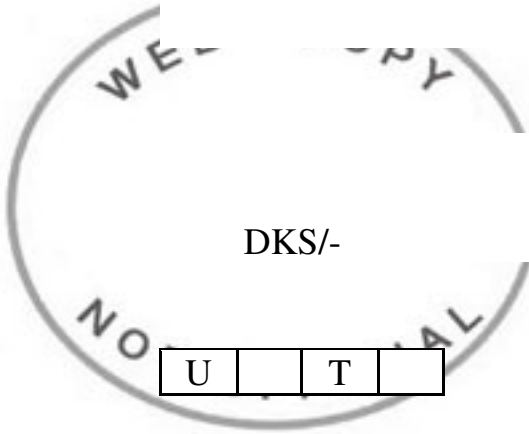
It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. FIR has been lodged after four days of the occurrence and the injuries have been found to be simple in nature.

It is submitted by learned counsel for the informant that impugned order reflects that injured Akhilesh Kushwaha sustained three injuries including one incised injury on head caused by sharp cutting weapon, Kamlesh Kushwaha sustained four injuries including two injuries on head, Kavita Kumari sustained four injuries including two injuries on middle finger and right palm which was ultimately found to be grievous.

Considering the nature of accusation in the background of land dispute and the delayed lodging of the case, it is a case for consideration of prayer for regular bail, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Kateya P.S. Case No. 36 of 2016 pending in the court of learned Chief

Judicial Magistrate, Gopalganj.

Accordingly, this application is disposed of.



(Dinesh Kumar Singh, J)