

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23494 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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Bibhesh Kumar @ Dimpal Son of Paltan Singh Resident of Village Amlori
PS Muffasil District Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Opposite Party/s : Mr. Satyendra Narayan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 25-05-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 323, 307, 504 and 506 of the Indian Penal Code.

The prosecution case is that five accused
persons including the petitioner came abusing the informant and
on protest being made all the accused persons assaulted the
informant when the nephew of the informant Sonu Kumar and
his wife Kumud Devi came to rescue they were also assaulted. It
is further alleged that the accused persons assaulted on the head
of the informant also.

It is submitted by learned counsel for the

petitioner that the accusation is omnibus and general against all the accused persons. There is a counter version of the occurrence also.

It is submitted by learned counsel for the informant that though the accusation of assault is omnibus and general in the First Information Report but in subsequent statement the informant has stated that the petitioner assaulted with spade as a result grievous injury has been caused on the occipital region.

Considering the fact that in the FIR the accusation of assault is omnibus and general, it is a case for consideration of prayer for regular bail by the learned court below, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Siwan Muffasil P.S. Case No. 33 of 2016 pending in the court of learned Chief Judicial Magistrate, Siwan.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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