

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25105 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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1. Kumar Ashok Vidhyarthi,
2. Kumar Anal Vidhyarthi, both Son of Late Tribeni Prasad Sharma,
resident of Parsurai, Police Station- Khodaganj, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 16-06-2016 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Khodaganj P.S. Case No. 58 of 2016 registered for the offence
punishable under Section-307 & other minor sections of the Indian
Penal Code as also Sections-133/136 of the R.P. Act.

Petitioners and two others are named whereas; 8-10
unknown persons have been made accused in this case.

The accusation against petitioners is that they along
with several others had gone to cast their votes in Panchayat
Election and when the informant being police officials, asked
them to maintain peace, the petitioners and others became furious

and started assaulting and in that course, two FIR named accused made attempt to snatch the service revolver of the informant. The alleged occurrence took place on 10-05-2016 and on the same day, the first information report was lodged.

Learned counsel, appearing for petitioners submits that the informant did not sustain any injury and with intent to make the offence graver, it has been inserted in his written report that he has sustained serious injury but the learned Sessions Judge has nowhere mentioned regarding the so-called injury on the informant and apart from this, the informant has also not disclosed in his report that he had got any treatment. It is further submitted on behalf of the petitioners that as a matter of fact, petitioners are old persons and when they had gone to cast their votes, the rival group of the petitioners, managed the informant and got instituted this false case and moreover, petitioners do not have any criminal antecedent, which is evident from perusal of paragraph-3 of the petition.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioners named above, in the event of their arrest or surrender in the court below within four weeks from today, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two

sureties of the like amount each in connection with Khodaganj P.S. Case No. 58 of 2016 to the satisfaction of I/C, J.M./concerned court, Hilsa, Nalanda subject to conditions as laid down u/S 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

A.K.V./-

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