

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36469 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -SURYAPURA District- SASARAM (ROHTAS)

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1. Satish Kumar, son of Anil Singh.
 2. Mithilesh Kumar, son of Ashok Singh.
 3. Kamlesh Singh, son of Ashok Singh.
 4. Sanjay Kumar, son of Prem Prakash Singh.
 5. Manji Kumar, son of Prem Prakash Singh.

All residents of Village- Nonhar, P.S.- Surajpura, District- Rohtas.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioners : Mr.

For the State : Mr.

For the Informant : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 17-09-2016 Let the supplementary filed on behalf of the petitioners be kept on record.

Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Surajpura P.S. Case No.48 of 2016 registered under Sections 147, 148, 149, 341, 323, 504, 307 and 379 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that twelve F.I.R. named accused including the petitioners reached at the house of the informant



Kewal Raj alias Mikki Raj and started to abuse due to grudge and bad relation. At that time, the petitioner no.1 Satish Kumar gave a Khanti blow at the head of the informant causing cut injury at his head and petitioner no.2 Mithilesh Kumar started assaulting him brutally with iron rod whereas petitioner no.4 Sanjay Kumar gave iron rod blow at the head of Sanjay Singh alias Ajay Kumar Singh, the uncle of the informant causing blood oozing injury on his eyes and the co-accused Ghanshyam Kumar, Manish Kumar and the petitioner no.5 Manji Kumar also caused injury to the uncle of the informant. On seeing the people coming, petitioner no.3 Kamlesh Singh made firing and all fled away.

Learned counsel appearing on behalf of the petitioners submits that, in fact, the occurrence of “Maar-Peet” took place between the parties in which the petitioners’ side also sustained injuries regarding which on the basis of the written report of the co-accused Ashok Kumar Singh, Suryapura P.S. Case No.49 of 2016 against the informant and others under Sections 341, 323, 506 and 379 of the Indian Penal Code was instituted. Further submission is that while there is allegation against the petitioner nos.1 and 2 to cause injuries to the informant but the injuries, as found on the person of the informant, are simple in nature. It is further submitted that Sanjay Singh alias Ajay Kumar Singh, the

uncle of the informant, is said to be assaulted by Sanjay Kumar (petitioner no.4), Manji Kumar (petitioner no.5), Ghanshyam Kumar and Manish Kumar but the injuries, as found on his person' as per the opinion of the doctor dated 19.07.2016, may be considered as simple in nature as no report, regarding the nature of his injuries, has been received from the hospital, where Sanjay Singh alias Ajay Kumar Singh, the uncle of the informant was treated.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Sasaram, in connection with Surajpura P.S. Case No.48 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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