

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37449 of 2016

Arising Out of PS.Case No. -77 Year- 2016 Thana -MUSAHRI District- MUZAFFARPUR

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1. Raju Singh Son of Dasai Mahto
2. Vijay Kumar @ Sujeet Kumar Son of Raju Singh
3. Ravi Kumar Son of Raju Singh
4. Mita Devi Wife of Raju Singh All are resident of village - Saghari, P.S. Musahari, District - Muzaffarpur
5. Varsha Kumari Wife of Krishna Kumar
6. Krishna Kumar Son of Shivjee Singh Both are resident of village - Paigamberpur, P.S. Sakra, District - Muzaffarpur
7. Neeraj Kumar Son of Late Sanjay Mahto resident of village - Kasba Purbi Krishna Bagh, P.S. Mehdiganj, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 15-12-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Musahari P.S. Case No. 77 of 2016 registered for the offence punishable under Sections 147, 341, 323, 324, 307, 354, 380, 448, 452, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that while the petitioners' side were celebrating the victory of Mukhiya in election and burning crackers near the house of the informant, it



was objected by the informant, there after the petitioners along with others came variously armed and petitioner No. 1 is alleged to have caused farsa blow on the informant.

It has been submitted by the learned counsel for the petitioners that they are innocent and have no criminal history and have been falsely implicated in the aforesaid case and a counter case was filed earlier by the petitioners' side on the same day and both parties sustained injury. He submits that the injury report of other persons of the informant's side has found to be simple except caused on the informant, Ganesh Kumar, which has found to be grievous after supplementary report.

Learned counsel for the informant submits that there was altercation between both sides in which the informant received grievous injury caused by the petitioner No. 1, hence, opposes the prayer for bail.

Be that as it may, since there is a case and counter case, let the petitioners, named above(except petitioner No. 1, Raju Singh) in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)each with two sureties of the like amount each to the satisfaction of the learned Sub Judge- II- cum-Additional Chief



Judicial Magistrate, Muzaffarpur in connection with Musahari P.S.Case No. 77 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

So far as the petitioner No.1, Raju Singh is concerned there is direct allegation of assault on the informant and the nature of injury having been found to be grievous, his prayer for anticipatory bail is rejected.

However, the petitioner No. 1 may move before the learned Court below and his prayer for bail be considered by the learned Court below, preferably within six weeks from the date of his arrest or surrender.

(Nilu Agrawal, J)

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