

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3561 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -MOTIPUR District- MUZAFFARPUR

- =====
1. Ram Narayan Prasad @ Ram Narayan Pd. Sah
 2. Deo Nandan Prasad @ Devnandan Pd. Sah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-01-2016

Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 307 and 302 of the Indian Penal Code.

The prosecution case is that on 01.06.2015 the informant's husband was sitting at his door when all the accused persons including the petitioners came to the house of the informant variously armed and started abusing and thereafter the accused persons caught hold the husband of the informant and on protest being made, on the order of petitioner no. 2 Deo Nandan, co-accused Ram Sagar Ram assaulted with axe on the head of the husband of the informant thereafter all the accused persons assaulted with lathi, danda and slaps and when the sons of the informant namely Om Prakash and Jai Prakash came to rescue,

they were also assaulted by the accused persons. It is further alleged that petitioner no.1 Ram Narayan Prasad snatched ₹1,000/- . Subsequently, the husband of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioners that the accusation of assault is not specific against the petitioners. Specific accusation of assault is only against co-accused Ram Sagar Ram. The postmortem report of the informant's husband also suggests that the victim received only one injury on the head. Moreover, sons of the informant have not received any injury. It is further submitted that on conclusion of the investigation, the petitioners were not sent up for trial but differing with the final form, cognizance has been taken against the petitioners also. Though, in the background of land dispute, at earlier point of time, the informant also lodged a case against the petitioners but it was found false.

Considering the fact that the accusation was not found trued during investigation, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the

learned S.DJ.M., West Muzaffarpur in connection with Motipur
P.S. Case No. 129 of 2015, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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