

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8500 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -DESARI District- VAISHALI(HAJIPUR)

1. Deepak Kumar S/o Bijay Rai
2. Ramesh Rai S/o Kapil Rai
Both resident of Village- Nayagaon 28 Tola, P.S. Desari, District-
Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kr. 2(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2016

Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections
341, 323, 324, 307, 379, 447/34 of the Indian Penal
Code.

The prosecution case is that on 01.07.2015 at
6.00 P.M. in the night when the informant had gone to bye
mutton and parked his motorcycle in front of the mutton
shop. In the meantime Bishwanath Rai came and
assaulted the informant with fists and slaps. Thereafter
the informant ran to take shelter in the shop of his
brother Rakesh Kumar. In the meantime the petitioner
and one Rahul Kumar along with 8-10 accused persons



came with lathi, danda, rod and pistol and assaulted the informant, causing injury on his head. Thereafter they assaulted with chicken chopping knife to the brother of the informant, causing cut injury on his hand. The accused persons snatched Rs. 2200/- cash, gold chain worth Rs.60,000/- and mobile. They also robbed the articles from the shop of the informant's brother.

It is submitted by the learned counsel for the petitioners that accusation is only against Bishwnath Rai, when the omnibus and general accusation is against the petitioners and Rahul along with 8-10 accused persons. Informant has received one lacerated injury on right portion of the hand, simple in nature, caused by hard and blunt substance, whereas the brother of the informant has received four injuries of which one injury marginal size of middle finger of the right hand has been found to be grievous. Though, there is sharp cutting injury on the occipital region and just below left eye and right hand middle finger, but the injuries are simple in nature. Informant has claimed that he received injury on his head, but no injury has been found on the informant. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the accusation is not specific against the petitioners and the accusation has not corroborated with the injury, let the above named petitioners be released on bail

in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Vaishali at Hajipur in connection with Desari P.S. Case No. 160 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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