

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4617 of 2016

Arising Out of PS.Case No. -175 Year- 2015 Thana -SARAI RANJAN District- SAMASTIPUR

1. Jibachh Ishwar son of Late Debu Jha

2. Arbind Ishwar @ Parbind Kumar son of Jibachh Ishwar

Both are resident of Village- Sherpur Narsari P.S.- Sarairanjan, District-
Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen

For the Opposite Party/s : Mr. R.N.Jha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 03-02-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their
arrest in a case registered for the offences punishable under
Sections 341, 323, 307, 354/34 of the Indian Penal Code and
3(1)(x) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the
informant's son was initially going through the agricultural
field of the petitioner Jibachh Ishwar then he started abusing to

the son of the informant. When the wife of the informant came to rescue then Jibachh Ishwar and Arbind Ishwar assaulted the son and wife of the informant. On alarm being raised when the daughter, mother, nephew and sister came to rescue they were also assaulted and abused.

It is submitted by learned counsel for the petitioners that as per the First Information Report the informant side were the aggressor and though six persons from the informant side received injury but the same are found simple in nature. There is a counter version of the occurrence and petitioners' side also received injury.

Considering the fact that the case of the petitioner side was registered after three days of the occurrence, though the fard-beyan was recorded on 28.10.2015, and the nature of accusation, it is a case for consideration of prayer for regular bail, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Sarairanjan P.S. Case No. 175 of 2015 pending in the court of learned Additional Chief Judicial Magistrate, Samastipur. It is expected from the learned court below to dispose of the bail application of the petitioners preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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