

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20497 of 2016

Arising Out of PS.Case No. -93 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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1. Manoj Kumar Son of Ram Sagar Singh
 2. Pawan Kumar Son of Ram Sagar Singh
 3. Rishi Kumar Son of Ram Sagar Singh
 4. Nirmal Kumar Son of Manoj Kumar All resident of Village-
Teekarampur Mathurapur PS. Khagaria District Khagaria

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. H.A.Khan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323,307,379,342,147 and 386 of the Indian Penal Code.

The prosecution case is that on 27.9.2015 at 5.30 P.M. the informant had gone to meet her maternal uncle in the fish market when he saw petitioner no. 1 Manoj Kumar abusing his maternal uncle. On protest being made by the informant the petitioners started pushing the informant. It is alleged that petitioner no. 2 Pawan Kumar assaulted on the head of the informant by iron rod and petitioner no. 1 took out sale proceeds

of rupees fifteen thousand from the cash box of the informant.

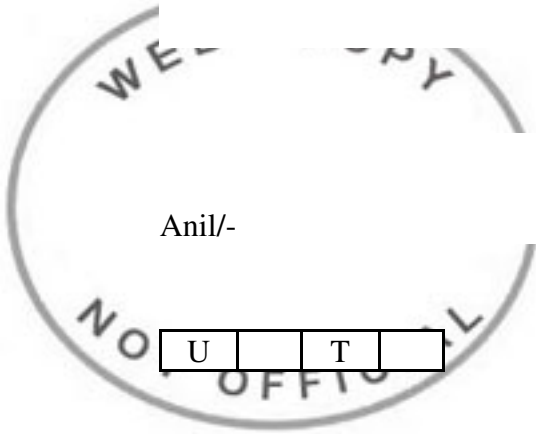
It is submitted by the learned counsel for the petitioners that for the occurrence of 27.9.2015 the complaint was filed on 30.9.2015 which came to be registered as police case 9.2.2016. There is no injury caused to the informant and statement to that effect has been made in paragraph 10 of the petition which reads as follows:

“That it is stated that however the specific allegation is against petitioner to assault on the head but no injury was found even the police has not brought injury report even in case diary no injury report found.”

There is counter version of the occurrence and it appears that at earlier point of time 107 Cr.P.C. proceeding was initiated due to dispute between the parties. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, 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 twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Khagaria in connection with Khagaria

P.S. Case No.93 of 2016 subject to the conditions as laid down
under Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)