

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37528 of 2016

Arising Out of PS.Case No. -8 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

1. Jaglal Sah Son of Shivpujan Sah
2. Pramod Manjhi Son of Late Kali Charan Manjhi
3. Manjur Manjhi Son of Uday Chandra Manjhi All 1 to 3 are resident of Mahadeva Dusadh Tola, P.S.- Siwan Muffasil (Mahadeva) at District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-09-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

It has been submitted by the learned counsel for the petitioners that there is some mistake on account of additions in para-3 of this application, which may be permitted to be deleted.

Permission is accorded.

Accordingly, learned counsel for the petitioners may delete the said additions during the course of the day.

Petitioners apprehend their arrest in connection with Siwan Muffassil (Mahadeva O. P.) P. S. Case No. 08/2016 registered for offences punishable under Sections 341, 323, 448

and 307/34 of the Indian Penal Code.

The prosecution case as lodged on the basis of the fardbeyan of the informant Ambika Sah before the police Officer from hospital in which he alleged that on 04.01. 2015 at 11.30 A.M. he saw the petitioner No. 1 was discharging excreta near his house on which the informant asked him not to do it. On hearing the conversation, the other co-accused namely, Munna Sah came with a DAB and hit the informant on his head. The informant further states that thereafter all the other co-accused came and started beating the informant and when his wife and son came for rescue, they were also inflicted injuries by the accused persons.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that there is no specific allegation against the petitioners and allegation of assaulting with DAB is upon Munna Sah and the matter has already been compromised, and that injury caused on the informants' side, has been found to be simple in nature.

It has also been submitted that the petitioner Nos. 1 and 2 have no criminal history and petitioner No. 3 has been implicated in two cases, which are old cases of the year, 1998 and 2000 in which he has been enlarged on bail. He submits that both sides are

next door neighbours and for the same occurrence there is a case and counter case between the parties. It has also been submitted that one of the co-accused similarly situated has since been granted the privilege of bail in Cr. Misc. No. 33430/2016 dated 20.08.2016 by a Co-ordinate Bench of this Court.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, in the facts and circumstances aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Muffassil (Mahadeva O.P.) P.S. Case No. 08/2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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