

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43763 of 2015

Arising Out of PS.Case No. -215 Year- 2015 Thana -FORBESGANJ District- ARRARIA

- =====
1. Pritam Kumar
2. Gautam Kumar, Sons of Jaldish Mandal, Both are resident of village -
Tihala Aaurahi, P.S. - Forbesganj (Simraha), District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Adv.
For the Opposite Party/s : Mr. Harendra Pd.(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-01-2016 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State and learned counsel for

the informant also present.

The petitioners are apprehending their arrest in
connection with Forbesganj (Simraha) P.S. Case No. 215/2015
registered for the offences punishable under Section 341, 342,
323, 324, 325, 326, 307, 447 and 34 of the Indian Penal Code.

Learned counsel for the petitioners in Cr. Misc. No.
43763/2015 submits that the allegation against these petitioners is
wholly false and frivolous and the allegation against them is that
they wanted to kill the informant is imaginary as a plain reading of
the FIR itself shows that if at all the occurrence took place there
was no repetition of blows. Furthermore the allegation against the
petitioner Pritam Kumar is that he attacked Nirmal Kumar
whereas, the allegation against Gautam Kumar is that he attacked
Sanjay.

Case diary in the present case had been called for which has since been received.

From perusal of the injury report annexed with the diary shows that so far as Sanjay is concerned, there is only one injury showing tenderness and swelling in both upper limbs. Save and except the said injury there is no other injury on record.

With regard to the injury alleged to have been inflicted by Pritam over Nirmal is concerned, diary reveals certain injuries on the head which could have been grievous, but the opinion has been reserved in the same.

However, considering the entire facts and circumstances and also the facts that the petitioners have no criminal antecedents and that there was no repetition of blows, so as to kill the petitioners, let the petitioners Pritam Kumar and Gautam Kumar in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj (Simraha) P.S. Case No. 215/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

Vinita/-

U		T	
---	--	---	--