

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23452 of 2016

Arising Out of PS.Case No. -167 Year- 2015 Thana -SALKHUA District- SAHARSA

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1. Kamali Sada @ Kamauli Sada @ Kamleshwari Sada son of Mohi Sada,
 2. Mausam Sada @ Mausam Kumar Sada, son of sone Sada,
 3. Fulo sada @Kuldip Sada,
 4. Kedar Sada,
 5. Bilo Sada, are sons of of Bhumi Sada, resident of Sahuria, Kachahari Tola, Police station-Salkhua Chiraiya O.P..District -Saharasa
- Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-05-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 of the Indian Penal Code.

The prosecution case is that on 08.08.2015 at 7:00 A.M when the son of the informant was going to ease one Kailu Sada stopped him and asked him not to go through the ridge of the land and ultimately co-accused Sudhir Sada assaulted with danda to the son of the informant. When the informant came to rescue his son then he was assaulted by six F.I.R named accused persons including the petitioners. It is alleged that co-accused Sudhir Sada assaulted with spade on the head of the informant. It is also alleged that wife and son of the informant were also assaulted by the accused persons.

It is submitted by learned counsel for the

petitioners that accusation of assault is omnibus and general against the petitioners. The specific accusation of assault is only against Sudhir Sada. The injuries of the informant's wife have been found to be simple in nature whereas the informant's injuries have been found to be simple except one injury for which the opinion has been kept reserved. The injury report of the son of the informant is not on record. Moreover the petitioner is not alleged to have assaulted the son of the informant.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the accusation of assault being specific against Sudhir Sada, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, II, Saharsa in connection with Salkhua P.S. Case No. 167 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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