

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38699 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -WAJIRGANJ District- GAYA

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Santosh Mistry, Son of Manoj Mistry, Resident of village- Bhagausa,
Makhdumpur, P.S.- Wazirganj, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Gopesh Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-09-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Wazirganj P.S. Case no. 07 of 2016, registered under
Sections 341, 323, 324, 379, 307, 504 and 506/34 of the Indian
Penal Code.

The allegation of informant Sabo Devi is that on
08.01.2016, co-accused Jitendra Mistry and Mithilesh Mistry
both son of Manoj Mistry came to her house and abused her.
When informant disclosed about the occurrence to her husband
Mukesh Mistry and when Mukesh Mistry was going to villagers
to give this information then in the way Jitendra Mistry and
Mithilesh Mistry caused injury through lathi and Garasa to her
husband. When informant and her father-in-law rushed to
rescue then petitioner Santosh Mistry and Usha Devi, both son
and mother, assaulted the informant and her father-in-law, who

sustained injuries on head and hand. Thereafter, both of them snatched away golden ear ring and silver chain from the informant.

Learned counsel for the petitioner submits that, in fact, co-accused Usha Devi, mother of the petitioner, has lodged Wazirganj P.S. Case no. 298 of 2015, registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3/4 of Daain Act regarding the occurrence dated 15.07.2015 against Kapil Mistry, father in law of the present informant, due to that reason the present case has been lodged. Moreover, the allegation against the petitioner to cause injury to her and her father-in-law, but the injury as found on their persons were found simple in nature.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Gaya in connection with Wazirganj P.S. Case No. 07 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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