

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40324 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -DORIGANJ District- SARAN

- =====
1. Jawahir Singh Son of Late Jatan Singh Resident of Village - Dumari Adda, P.S. Doriganj, District - Saran.
 2. Viswajeet Pratap Singh Son of Satendra Singh Resident of Village - Nawada, P.S. Reivilganj, District - Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-10-2016

Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Doriganj P.S. Case No. 81 of 2016 registered for the offence punishable under Sections 379, 307 and other allied sections of the Indian Penal Code.

The prosecution case is that on 22.06.2016 at 12:30 P.M. petitioners along with their sons and other unknown accused persons entered in the house of the informant and on the order of petitioner no.1, his son Kamlesh Kumar Singh gave axe blow on the head of the brother of the informant, Gopal Singh and when informant came to save his brother, accused Ranjeet Kumar

Singh gave a Khanti blow on his head and wrist. Petitioner no.2 is alleged to have assaulted the family members of the informant. It is further alleged that accused Kamlesh Kumar Singh snatched away gold chain from the neck of the informant.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case due to both parties being on inimical terms. He further submits that both parties are agnates and neighbours and dispute arose regarding pillar to be installed. He further submits that petitioners have no criminal antecedent, as is evident from paragraph 3 of this application and the main accused, Kamlesh Kumar Singh and Ranjeet Kumar Singh are in judicial custody. He further submits that the allegation against petitioner no.1 is of abetment and petitioner no.2 is said to have caused injury on the person of Raju Kumar Singh, whose injury report finds no specific injury. He further submits that there is case and counter case for the same occurrence.

However, learned counsel for the informant submits that petitioner no.2 has inflicted injury on the head of Raju Kumar Singh and was also accomplice to the other co-accused, hence, opposes the prayer for bail.

However, learned A.P.P. for the State submits that

petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since other co-accused on whom allegation has been levelled are in judicial custody and no specific allegation of assault has been levelled against petitioner no.1 and no specific injury has been caused by petitioner no.2, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Doriganj P.S. Case No. 81 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Arjun/-

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