

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50073 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -SALKHUA District- SAHARSA

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1. Bhola Kumar son of Chandeshwari Sah
2. Vikahs Kumar, son of Kuldeep Sah
3. Ramesh Sah son of Anandi Sah
4. Niraj Kumar son of Ghutar Sah
5. Pankaj Kumar son of Chandeshwari Sah
6. Sushil Kumar son of Dukha Sah
7. Ramchandra Sah son of Godo Sah
All resident of village-Pahalam, P.S.-Salkhua (Banma Ithari O.P.),
Distt.-Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-11-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 147, 148, 149, 341, 323, 307, 504 and 379 of the Indian Penal Code.

Allegation against the petitioners is that they were cutting bamboo which was objected by informant and she was assaulted on head by petitioner no. 1 Bhola Kumar. There is omnibus allegation against other petitioners.

It has been submitted on behalf of the petitioners that they have got no criminal antecedent. No allegation of tampering of witnesses is alleged against petitioners. So far as petitioner nos. 2 to 7 are concerned, general and omnibus allegation has been made. No specific injury has been attributed against them.

On behalf of the State, it is submitted that petitioners are named in the F.I.R. but specific allegation of assault has been made against petitioner no. 1.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to petitioner no. 1, same is rejected.

Any how, if petitioner no. 1 surrenders in the court below within a period of six weeks and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

Let the above named petitioner no. 2 to 7, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-II, Saharsa, in connection with Salkhua P.S. Case no. 23 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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