

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8748 of 2016

Arising Out of PS.Case No. -108 Year- 2015 Thana -SHAMBHUGANJ District- BANKA

- =====
1. Kalanand Singh Son of late Bhola Prasad Singh
 2. Niraj Singh Son of Puto Singh both resident of Village Jagatpur P.s Shambhuganj District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.Pp)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-03-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend arrest in connection with Shambhuganj P.S. Case No. 108 of 2015 for offences alleged under Sections 342, 323, 325, 307, 504, 34 of the Indian Penal Code and Section 3(x) of SC/ST Act.

The prosecution case is based on the basis of written report of informant Inarsi Devi is that on 25.11.2015 while the informant was going to Chameli Chak from her house on the way to Kasba Bazar the petitioners with another co-accused from Jagatpur in a drunken state at about 6 P.M. started abusing and on protest Niraj Singh gave rod blow causing fracture of her hand. It is further stated that on raising alarm her son namely Sanjay

Chaudhary came to rescue. All the accused started assaulting him with iron rod on head and different parts of body, which caused injuries on different parts.

It has been submitted by learned counsel for the petitioners that they are innocent and have falsely been implicated due to previous enmity, and they have no criminal history. It has further been submitted that the allegation is general and omnibus and no case under Section 307 is made out against the petitioners under Section 3(x) of SC/ST Act as there is no evidence of abuse. It is submitted that inquiry caused on the informant and her son has been found to be simple in nature and petitioner no.1 is an agent of Tata Motors Vikramshila Bhagalpur, and on the same day the son of the informant had come alongwith some other persons and asked him for Rs. 10,000/- as rangdari and inflicted a hasua blow on him but he marginally escaped for which he had lodged a complaint against the son of the informant with the concerned Police Station. However learned A.P.P. for the State and submits that the petitioners are named, in the F.I.R and opposes the prayer for bail.

Be that as it may, let the petitioners above named, in the event of their arrest/surrender before the court below, within a period of 8 weeks from today be released on bail on furnishing

bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Banka, in connection with Shambhuganj P.S. Case No. 108 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

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