

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23083 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -KHAIRA District- SARAN

- =====
1. Daroga Singh Son of Late Nayak Singh
 2. Dipu Kumar son of Rajendra Singh
 3. Vijay Kumar Singh @ Vijay Kumar Son of Rajendra Singh
 4. Dupendra Singh son of Late Gautam Singh all are residents of Village- Khaira, Police Station- Khaira, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Pushpa Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 28-07-2016 Heard Sri B. N. Mishra, the learned counsel for the petitioners, Mr. Yogesh Chandra Verma, the learned senior counsel for the informant, and the learned Additional Public Prosecutor.

The petitioners apprehend their arrest in Khaira P.S. case No. 55 of 2016 under Section 324 and other sections of the Indian Penal Code. Later on Section 302 of the IPC was added when Nirmala Devi, wife of the informant, died on 03.04.2016.

The informant named nine persons, including the petitioners, and alleged that they all, having armed with Lathi, Danda, came and assaulted him, his son and his wife.



It is submitted that there is omnibus and general allegation of assault. The informant got one multiple bruise on back of his chest. Sachin Kumar, son of the informant, got one lacerated wound on left side of forehead ¼” x ¼” skin deep and complain of pain. The deceased, Nirmala Devi, wife of the informant, did not get any injury and doctor opined traumatic pain on whole body and low back. It is submitted that nine persons are alleged to have assaulted but no apparent injuries of assault by nine persons are found on the person of any injured. The deceased did not get any external or internal injury as the post mortem report shows that the doctor did not find any apparent cause of death and viscera was kept preserved for chemical analysis.

The learned senior counsel for the informant as well as the learned Additional Public Prosecutor submitted that petitioners do not deserve anticipatory bail. There is allegation that they assaulted the deceased and her family members. Sri Verma, the learned senior counsel for the informant, submitted that the deceased got internal injury on account of assault made by the petitioners and others.

It appears from the injury report of the deceased that she did not get any external or internal injury. The deceased is said to have been assaulted on 01.04.2016 but she died on 03.04.2016

in her house. She was not treated by any doctor. From perusal of the post mortem report, it appears that the doctor did not find any external or internal injury and the cause of death could not be ascertained.

Considering the facts aforesaid I find that the petitioners deserve anticipatory bail and, accordingly, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Saran at Chapra in Khaira P.S. Case No. 55 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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