

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10778 of 2016

Arising Out of PS.Case No. -169 Year- 2015 Thana -SABOUR District- BHAGALPUR

- =====
1. Shambhu Tanti @ Shyam Bihari Tanti Son of Kishun Tanti,
 2. Manohar Tanti, Son of Bishan Tanti,
 3. Sanohar Tanti @ Sanahar Tanti, Son of Bishan Tanti,
 4. Deshabali Tanti, Son of Bishan Tanti,
 5. Ratan Tanti, Son of Chintawan Tanti
 6. Savindra Tanti @ Subendra, Son of Ratan Tanti,
- All residents of village - Birnauth, P.S. - Sabour (Goradih), District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 14-03-2016

It is submitted by learned counsel for the petitioners that petitioner no. 4 Deshabali Tanti has been arrested, hence, his application has become infructuous and accordingly, it is disposed of.

The petitioner nos. 1, 2, 3, 5 and 6 are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 354 of the Indian Penal Code.

The prosecution case is that on 20.08.2015 at 9.00 A.M. the accused persons being the neighbour of the



informant were digging a ditch adjacent to the house of the informant. On protest being made the accused persons came and assaulted the informant with lathi and danda when the sister-in-law of the informant namely, Bijli Devi, Usha Devi and Champa Devi came to rescue then petitioner no. 5 Ratan Tanti assaulted on the head of the informant whereas petitioner no. 2 Manohar Tanti assaulted on the hand of Usha Devi.

It is submitted by learned counsel for the petitioners that the injury of the informant and Usha Devi has been found to be simple in nature. Though, the injury of Bijli Devi has been found to be grievous but it is alleged that she is alleged to have been assaulted by all the accused persons. There is no injury report of Champa Devi on record, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:- “That, as per knowledge of the petitioners there is no injury of Champa Devi on record.” There is a counter version of the occurrence also.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners except petitioner no. 4 be released on anticipatory bail, in the event of arrest or surrender before the

learned court below within a period of twelve weeks from today,
on furnishing bail bonds of Rs.10,000/- (Ten thousand) each
with two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Bhagalpur in connection with
Sabour P.S. Case No. 169 of 2015, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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