

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 2999 of 2017

Arising out of P.S. Case No. - 216 Year - 2016 Thana - SURYAGARHA District - LAKHISARAI
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1. Rajendra Mandal, Son of Kishun Mahto
2. Arjun Kumar, Son of Rajendra Mandal
3. Gautam Kumar @ Shashank Shekhar @ Gautam, Son of Rajendra Mandal, All residents of village - Jakarpura, P.S. - Suryagadhra, District - Lakhisarai

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Part

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Appearance :

For the Petitioners : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party : Mr. Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-03-2017 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 354/34 of the Indian Penal Code.

Allegation is that petitioner no. 3 Gautam Kumar @ Shashank Shekhar assaulted to the wife of the informant with iron rod causing injury at the head. Petitioner No. 1 Rajendra Mandal assaulted to the wife of the informant with farsa causing injury at the head.

The Doctor has found a lacerated wound on the front of scalp of the injured.



Submission of the petitioners is that single injury has been found on the injured whereas allegation is against two persons, hence, it is difficult to say that who had caused the single injury. Moreover, there is case and counter case. There is no allegation of repetition of blow. Injury is not consistent with the prosecution allegation and the petitioners are agnates who have been falsely implicated, just to harass.

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail 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, Lakhisarai/Successor Court in connection with Suryagarha Police Station Case No. 216 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Birendra Kumar, J)

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