

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2814 of 2017

Arising Out of PS.Case No. -579 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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1. Radha Kant Yadav Son of Rameshwar Yadav
2. Nilu Devi Wife of Radha Kant Yadav Both Resident of Village-Arraha,
Police Station-Madhepura (Bharrahi O.P.), District-Madhepura
..... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 09-02-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
Madhepura (Bharrahi O.P.) P.S. Case No. 579 of 2016 registered
for the offences punishable under Sections 341, 323, 307, 504,
506/34 of the Indian Penal Code.

Allegedly, petitioner no. 1 being the son of the informant
and petitioner no. 2 the wife of petitioner no. 1 assaulted the
informant and Himansu Kumar with bamboo.

Submission is of false implication and that as per the
allegation made in the FIR, no offence under Section 307 IPC is
made out, there is no allegation that the petitioners assaulted the
informant and Himanshu Kumar with intention to kill them but the
FIR has been lodged under Section 307 IPC also, resulting the



petitioners are apprehending their arrest.

Learned APP fairly submits that bare perusal of the FIR it appears that no offence under Section 307 IPC is made out.

In the facts and circumstances stated above, considering the allegation of simply assault, the petitioners above named in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 579 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

avin/-

(Jitendra Mohan Sharma, J)

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