

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12265 of 2017

Arising Out of PS.Case No. -373 Year- 2016 Thana -JOKIHAT District- ARRARIA

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Nitya Nand Bishwas, S/o Late Darogi Bishwas, Resident of village -
Chakai, P.S. Jokihat, District - Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.13885 of 2017

Arising Out of PS.Case No. -373 Year- 2016 Thana -JOKIHAT District- ARRARIA

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1. Shankar Bishwas @ Shankar Kumar Biswas,
2. Diwakar Bishwas @ Diwakar Kumar Bishwas, Both Sons of Nityanand
Bishwas, Resident of village - Chakai, P.S. Jokihat, District - Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.12265 of 2017)

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

(In Cr.Misc. No.13885 of 2017)

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 15-05-2017 Above noted both the applications have arisen out of

one occurrence i.e. Jokihat P.S. Case No. 373 of 2016 registered

for the offences punishable under sections 341, 323, 325, 307,

354(B), 379, 504, and 506/34 of the Indian Penal Code and as

such they have been heard together and are being disposed of by



this common order.

Learned counsel for the petitioners submits that there is case and counter case. The occurrence is of 20.11.2016 whereas FIR has been lodged on 22.11.2016 and the same was seen by learned CJM on 26.11.2016 whereas the case was lodged by the petitioner on 21.2.2016 at Sadar Hospital, Araria which was seen by CJM on 2.12.2016. It is further submitted that the allegation, as alleged against the petitioners are false and concocted. The manner of occurrence as alleged is not correct. The injuries caused on the informant are simple in nature whereas injuries no. 1 and 3 caused on Shivanand Paswan are simple in nature whereas injury no.2 is grievous and injuries caused to Rubi Kumari are simple in nature. Further the allegation as alleged by informant Manorama Devi regarding tearing of clothes are baseless and concocted and allegation under section 379 of the Indian Penal Code is also super addition and as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. opposes the prayer for bail by submitting that Shivanand Biswas received three injuries, out of which, one is grievous.

In the facts and circumstances stated above, considering the allegation attributed against the petitioners and



further considering the injury report, I am not inclined to grant privilege of pre-arrest bail to the petitioners, accordingly, their such prayer stands rejected.

However, if so advised, the petitioners surrender and seek regular bail before the learned court below the same shall be considered on its own merit, preferably, on the same day without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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