

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47668 of 2017

Arising Out of PS.Case No. -80 Year- 2017 Thana -GOPALPUR District- GOPALGANJ

- =====
1. Akhtar Dhuniya Son of Salim Dhuniya Resident of village- Vikrampur, P.S.- Gopalpur, District- Gopalganj
 2. Asagar Mian Son of Salim Dhuniya Resident of village- Vikrampur, P.S.- Gopalpur, District- Gopalganj
 3. Salim Dhuniya Son of Dosh Mohammad Dhuniya, Resident of Village- Vikrampur, P.S. Gopalpur, District- Gopalganj.
 4. Chhote Mian @ Chhotak Mian Son of Idrish Mian, Resident of Village- Gidaha, P.S. Gopalpur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 12-12-2017 Heard the learned counsel for the petitioners, the learned A.P.P. for the state as also the learned counsel for the Informant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Gopalpur P.S. Case No. 80 of 2017 for the offences punishable under sections 341, 323, 324, 325, 307, 379 and 504/34 of the I.P.C.

Allegedly, the petitioners and co-accused Nasruddin Dhuniya assaulted the informant with iron rod, chain, pipe and lagga and also snatched gold chain and cash from his possession.



Submission is of false implication and that due to previous enmity and the land dispute the petitioners have been implicated, the informant and his family members assaulted the petitioner Salim Dhuniya and he was sent to the hospital where his treatment was done and he filed written petition but the police did not register any case under the influence of the prosecution party, from the injury report of the informant it reveals that injury no.1 is caused by sharp cutting weapon which is on the forearm but simple in nature, injury no.2 is on the right hand which has been found grievous in nature, injury nos. 3 and 4 are also simple in nature and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that four injuries have been caused to the informant and on the vital part also one incised wound has been found.

In the facts and circumstances stated above, considering that no grievous injury has been found on the vital part of body of the informant, the grievous injury which is fracture has been found on the right hand ulna and the rest injuries are simple in nature and as such the petitioners, in case of their arrest



or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall 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 C.J.M, Gopalganj in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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