

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1698 of 2017

Arising Out of PS.Case No. -61 Year- 2016 Thana -AUGARI District- NALANDA
(BIHARSHARIFF)

- =====
1. Pawan Kumar Son of Raj Kumar Prasad
 2. Chhoti Kumar @ Vidya Nand Kumar
 3. Dipu Kumar @ Mukesh Kumar both sons of Raj Kumar
 4. Raj Kumar Prasad
 5. Jagdish Prasad
- Both Sons of late Ganga Mahto
6. Ram Pravesh Kumar Son of Prabhu Chand Prasad
 7. Manish Kumar Son of late Sivan Mahto
- All resident of Mundipur, P.S. Aungari, District- Nalanda.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pankaj Maijorwar

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 25-01-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Aungari P.S. Case No. 61 of 2016 registered for the offences punishable under Sections 341, 323, 504, 337, 338, 308, 379/34 of the Indian Penal Code.

Allegedly, for flowing drain water and to construct drainage the petitioners and other co-accused started assaulting the informant with lathi, stones and bricks causing serious injuries to the informant and further caused head injury to Kshitij Kumar and Fanindar Kumar Mani received abrasion in his neck.



Submission is of false implication and that no offence under Section 308 Indian Penal Code is made out, there was no intention to commit culpable homicide, the allegation under Section 379 IPC is super addition and ornamental in nature and further not specific against any of the petitioners, in government land the drain was flowing but the informant illegally obstructed the flowing of drain water and further of making construction. The informant himself is an aggressor and as such the petitioners deserve sympathetic consideration to which learned APP duly assisted by learned counsel for the informant oppose the prayer of bail by submitting that the petitioners have brutally assaulted the informant and his men and head injury has been found to the informant and Kshitij Kumar though the same is simple in nature.

In the facts and circumstances stated above, considering the nature of dispute and further considering that the injury found on the person of the informant and others are simple in nature, 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 A.C.J.M., Hilsa in connection with Augari P.S. Case No. 61 of 2016, subject to the



conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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