

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50322 of 2017

Arising Out of PS. Case No.-267 Year-2017 Thana- BIRAUL District- Darbhanga

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1. Ganpat Sah @ Ganpati Sah @ Ganpat,
 2. Bhikhari Sah,
 3. Raj Kumar Sah,
 4. Ram Babu Sah,
 5. Lalit Sah @ Lalit Kumar,
All are sons of Yogendra Sah, Resident of village- Devkuli Dham, P.S.- Biraul, District- Darbhanga.
 6. Mantun Pandit, Son of Ramsagar Pandit, Resident of Village- Bathanaha, P.S.- Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. SRI ASHOK KUMAR

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 14-12-2017 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners apprehend their arrest in connection with Biraul P. S. Case No. 267 of 2017 registered for the offences punishable under Sections 341, 323, 448, 380, 307, 504/34 of the Indian Penal Code.

Allegedly, the petitioners were constructing their roof, in the meantime the informant went to see the roof which was made of polythene, then the petitioners began to assault him. The petitioners entered into the house of the informant and looted away ornaments of the wife of the informant and cash of



Rs. 80,000/- and further the petitioners assaulted the son of the informant with iron rod on head, resulting he sustained injury and became senseless. The son of the informant was brought to DMCH for treatment, thereafter, he was referred to PMCH but PMCH did not admit the boy, thereafter, the informant got his son admitted in Ganga Ram Hospital where treatment is going on.

Submission is of false implication and that there is no eye witness of the occurrence, the allegations are vague and general in nature, offence under Section 307 IPC is not made out and Section 380 IPC is ornamental in nature and now good sense has prevailed between the parties and compromise petition has already been filed and on the basis of compromise ABP No. 199 of 2017 was filed but the same was not allowed and as such the petitioners deserve sympathetic consideration.

Learned APP fairly submits that good sense has prevailed between the parties.

In the facts and circumstances stated above, considering that the injury report is not available in the case diary which is evident from paragraphs 18 and 21 of the case diary as the same has not been prepared by the doctor of Ganga Ram Hospital and further considering the compromise arrived at



between the parties, the petitioners above named, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, are directed to 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 learned Additional Chief Judicial Magistrate, Biraul, Darbhanga in connection with Biraul P. S. Case No. 267 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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