

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.617 of 2017

Arising Out of PS.Case No. -275 Year- 2016 Thana -SAMASTIPUR District- SAMASTIPUR

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1. Basant Kumar @ Basant Kumar Mishra, S/o Ram Nath Mishra, R/v- Chhota Punas, P.S.- Samastipur (M), District- Samastipur.
 2. Abhishek Kumar, S/o Ganaur Rai, R/v- Badi Punas, P.S.- Samastipur (M), District- Samastipur.
 3. Bhola Rai, S/o Ram Jivan Rai, R/v- Dadpur, P.S.- Samastipur (M), District- Samastipur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar, Advocate.

For the Opposite Party : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Samastipur (Town) P.S. Case No. 275 of 2016 for the offences instituted under Sections 342, 323, 324, 379 and 504/34 of the IPC.

It is alleged that the petitioners and others assaulted the informant and his associates. Petitioner no. 3 inflicted knife blow to Abhayanand which hit in his below right eye. Anmol received injury in his left hand. Petitioner no. 2 assaulted with Lathi on his back. Petitioner no. 3 assaulted with fat on his mouth thereby he



became injured. Petitioner no. 2 snatched gold Hanumani and when Dharmendra Kumar and Pankaj Kumar came to save they too were assaulted by the accused persons.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have been made accused in the present case due to mistake of fact. The allegations made in the FIR are denied by the petitioners. It is further submitted that the petitioners are ready to deposit an amount of Rs. 10,000/- jointly in the court below which shall be subject to final disposal of the case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioners shall deposit an amount of Rs. 10,000/- jointly in the court below which shall be subject to final disposal of the case and on doing so, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Samastipur (Town) P.S. Case No. 275/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction



of the learned C.J.M., Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

