

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55500 of 2017

Arising Out of PS.Case No. -185 Year- 2017 Thana -BHOREY District- GOPALGANJ

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1. Ramakant Patel son of Late Dewdharee Patel
2. Lal Bachan Patel son of Late Yamuna Patel
3. Anup Patel son of Late Ramuna Patel
4. Ram Nat Patel son of Late Radha Patel
5. Suresh Patel son of Late Dhenukee Patel
6. Vindeshwar Patel son of Late Chopt Patel
7. Ranju Devi wife of Shailesh Patel All are residents of Village Dubwaliya
Husepur, P.S.Bhorey, District - Gopalganj. Petitioner/s
Versus
1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 12-12-2017

Heard both sides.

The petitioners apprehend their arrest in Bhorey P.S. case No. 185 of 2017 under Section 307 and other minor Sections of the Indian Penal Code.

The informant, Ram Babu Patel, named the petitioners and alleged that the accused persons were fencing the road leading to his house and when the informant protested the accused persons are alleged to have assaulted the informant and others. Ramakant Patel is alleged to have assaulted the informant with Farsa which hit on the nose of informant. When the informant fell down, other accused persons also assaulted him with fists and slaps. When the brothers of informant, Vijay Patel, Abhimanyu Patel, his mother, Manju Devi, and Fua, Krishna Devi, came to save the accused persons also assaulted them. Anup Patel and Lal Bachan Patel are alleged to have assaulted with



Lathi. Vijay Patel got injury on his left side of back.

The learned counsel for the petitioners submits that some mutual assault took place between both sides. The petitioners and informant side are co-sharers and from the side of petitioners Bhorey P.S. case No. 186 of 2017 is registered on the basis of fard bayan of Suresh Patel, petitioner No.5. Ram Babu Patel got one lacerated wound on his nose. Dimension of the injury appears to be superficial but the doctor reserved the opinion with regard to nature of injury and advised for X-ray but the patient did not obtain any X-ray report. Similarly, Vijay Patel also got abrasion on left shoulder and swelling on left little finger.

Considering the facts aforesaid and the fact that there appears to be mutual assault and scuffle between two sides for pathway and both sides got injuries, which appears to be simple in nature, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Gopalganj in connection with Bhorey P.S. case No.185 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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