

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21317 of 2017

Arising Out of PS.Case No. -380 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

- =====
1. Rupesh Kumar,
 2. Mukesh Kumar, Both S/o Sunil Kumar Singh, R/o Village- Jahangirpur Salkhanni, P.S.- Mahua, District- Vaishali.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Smt. Rina Sinha, Advocate

For the Opposite Party : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Mahua P.S. Case No. 380 of 2016 for the offences instituted under Sections 323, 341, 324, 307, 379 and 504/34 of the IPC.

The prosecution story, in brief, is that on 23.12.2016 at about 8.00 A.M. the informant was at his home, his wife Sunita Devi was going to carry water from her door, Lalita Devi, Rupesh Kumar and Mukesh Kumar reached at the courtyard and suddenly started assaulting his wife and on alarm when he tried to rescue his



wife, Rupesh Kumar assaulted him by means of sword resulting he sustained injuries on head and eye and Mukesh Kumar assaulted his wife by means of Farsa resulting she sustained injury on head. Lalita Devi took golden chain from Sunita Devi and Rupesh Kumar took Rs. 5000/- from his possession and when his daughter Muskan reached there, she was also assaulted by them. Thereafter both injured were taken to Mahua Hospital, then referred to Sadar Hospital for better treatment.

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 falsely been implicated in the present case due to mistake of fact. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out.

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, 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 Mahua P.S. Case No. 380/2016 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., Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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