

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64343 of 2018

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1. Raushan Kumar, S/O Umesh Prasad.
2. Ankit Kumar, S/O Prem Patel.
3. Vikash Kumar, S/O Nagendra Sahni.
4. Gautam Kumar, S/O Late Rameshwar Prasad.
5. Nitesh Kumar, S/O Umesh Prasad.
6. Shashikant Kumar @ Faresh, S/O Subhash Sahni.
7. Abhimanyu Kumar @ Manu Kumar, S/O Murari Patel.
8. Chhotu Kumar @ Chhotelal Kumar, S/O Subhash Sahni. All residents of Village-Baswariya, P.S. Bettiah Town, District-West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeev Kumar, Advocate.
For the Opposite Party : Mr. Raj Kishore Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-10-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 307 and 504 of the IPC.

The prosecution story, in brief, is that on 02.03.2018 at about 5.30 P.M., on the eve of *Holi*, the informant was engaged in guesting. In the meantime, he came to know that petitioner no. 5 Nitesh Kumar and petitioner no. 1 Raushan Kumar are assaulting his nephew Shani Kumar. On objection, all the accused including



petitioners came variously armed with deadly weapon and started abusing and threatening and assaulted with cricket bat and bamboo stick. It is further alleged that they gave threatening to kill him by *Desi Katta*. On hearing hulla, local public and relatives came there then they fled away.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is case and counter case between the parties. The nature of injury is said to be simple in nature. Hence, no offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

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

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bettiah, West Champaran, in connection with Bettiah (T) P.S. Case No. 153 of



2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

