

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67827 of 2018

Arising Out of PS. Case No.-267 Year-2017 Thana- RIVILGANJ District- Saran

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1. Sumit Kumar son of Diwakar Singh @ Dhamlu Singh.
 2. Nitesh Kumar son of Diwakar Singh @ Dhamlu Singh.
 3. Shanti Devi @ Shila Devi wife of Diwakar Singh @ Dhamlu Singh All are Resident of Village- Rajmal Pirari, Police Station- Revilganj, District- Saran, Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,324,307 and 504/34 of the IPC.

The prosecution case as per the Fardbeyan of Mamta Devi recorded by SI M.K. Singh, Bhagawan Bazar Police Station is to the effect that on 25.11.2017 at 5 P.M. the husband of the informant was going to Chapra to bring vegetable on a bicycle. On the way, Dhamlu Singh and Diwakar Singh and two unknown persons assaulted him. Thereafter, the husband of the informant came to his village and thereafter Dhamlu Singh and the petitioners assaulted the husband of the informant with lathi



and danda. It is specifically alleged that co-accused Dhamlu Singh assaulted with knife on the abdomen and chest of the informant's husband. It is further alleged that the petitioner no. 3 assaulted with brick on the head of the informant.

It is submitted by learned counsel for the petitioners that there is counter version of the occurrence also being Rivilganj P.S. Case No. 265 of 2017 registered with accusation under Sections 341,323,379 and 504/34 of the IPC against the informant side. On conclusion of investigation, the petitioners were not sent up for trial but after differing with the final form, cognizance has been taken.

It is submitted by learned counsel for the informant that there is specific accusation of assault against the petitioners though he admits that injuries have not been found to be grievous.

Considering the fact that on conclusion of investigation, the petitioners were not sent up for trial, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 ACJM, VIII, Saran at Chapra in connection with Revilganj P.S. Case



No.267 of 2017 subject to the conditions laid down in Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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