

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68638 of 2018

Arising Out of PS. Case No.-328 Year-2015 Thana- BAHERA District- Darbhanga

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1. CHAUDHARY BAIDYA NATH ROY @ BAIJU, Son of Late Chaudhary Shiv Narayan Roy.
 2. Gautam Roy, Son of Chaudhary Baidya Nath Roy @ Baiju.
 3. Jhalki Devi, wife of Chaudhary Baidya Nath Roy @ Baiju. All Resident of Village-Pauri,P.S. Bahera,Distt.-Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Md. Anis Akhtar, Advocate.
For the Opposite Party : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2018 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 341, 323, 307, 504 and 379/34 of the IPC.

The prosecution story, in brief, is that on 24.06.2015 at about 8.00 A.M. the informant was sitting at his *Darwaja*, in the meantime, the petitioners started abusing him and on protest, petitioner no. 1 Choudhary Baidyanath Roy ordered to kill the informant as he filed petition against them. Thereafter, petitioners began to assault the informant and petitioner no. 1 Baidyanath Roy tied his neck with plastic rope and tried to kill



him due to which the informant felt suffocation. Due to this act, the informant received injury on his neck. The wife of the informant came to save him on which the petitioner no. 1 Baidyanath Roy assaulted her and snatched golden chain worth Rs. 60,000/- from her neck and assaulted her with leg. On hulla, the villagers came there then the accused persons fled away from there.

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. Nature of injury is said to be simple. 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 A.C.J.M.,



Benipur, Darbhanga, in connection with Bahera P.S. Case No.
328 of 2015, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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