

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.68531 of 2018**

Arising Out of PS. Case No.-161 Year-2018 Thana- AMAUR District- Purnia

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1. Biren Bishwas, S/O Late Sant Lal Bishwas.
  2. Ajit Bishwas, S/O Biren Bishwas.
  3. Akhilesh Bishwas, S/O Biren Bishwas.
  4. Sarojani Devi, W/O Biren Bishwas.
  5. Radha Kumari, D/O Biren Bishwas.
  6. Shivanand Bishwas, S/O Late Sant Lal Bishwas.
  7. Chanchali Devi, W/O Shivanand Bishwas.
  8. Pachhu Bishwas, S/O Late Sant Lal Bishwas.
  9. Yasoda Devi, W/O Pachhu Bishwas.
  10. Sarvan Kumar, S/O Pachhu Bishwas.
  11. Barun Kumar @ Varun Kumar Bishwas, S/O Pachhu Bishwas.
  12. Sudhir Kumar @ Sudhir Kumar Bishwas, S/O Laxman Bishwas. All R/V-Milki, P.S. Amour, District-Purnia.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mr. Manoj Kumar Jha, Advocate.  
For the Opposite Party : Mr. Bharat Lal, A.P.P.

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**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, 324, 379,  
307, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 18.08.2018  
at about 8.00 P.M. petitioner nos. 1, 2 and 3 Biren Bishwas,  
Ajeet Bishwas and Akhilesh Bishwas started scuffling with her  
son in her grocery shop. On hearing alarm, informant came



there and she started rebuking her son. In the meantime, petitioner nos. 4-12 Sarojani Devi, Radha Kumari, Shivanand Bishwas, Chanchali Devi, Pachhu Bishwas, Yasoda, Devi, Sarvan Kumar, Barun Kumar and Sudhir Kumar @ Sudhir Kumar Bishwas in furtherance of their common intention of all came with *Lathi-Danda*, *Farsa* etc. in their respective hands with intention to kill her and her son and petitioner no. 2 Ajeet Bishwas gave blow on her head on account of which, she sustained severe injury on her head and fell down upon the earth. During that course, petitioner no. 10 Sarvan Kumar gave *Katta* blow on the head of her son, namely, Mukesh Kumar due to which, her son sustained head injury. Her family members moved her and her son to Referral Hospital, Amour for treatment. Petitioner no. 4 Sarojani Devi snatched silver neckless from her possession.

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 C.J.M. Purnia, in connection with Amour P. S. Case No. 161/2018, corresponding to G. R. Case No. 3006/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

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