

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20030 of 2018

Arising Out of PS. Case No.-256 Year-2017 Thana- MUNGER MUFFASIL District- Munger

1. Krishna Kumar, S/o- Baleshwar Yadav @ Mahesh Yadav,
2. Sadanand Yadav S/o- Binodi Yadav, Both R/o- Village- Sitakund Dih, P.S.- Muffasil, District- Munger.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 307, 323, 325 and 341/34 of the IPC.

The prosecution case, as per the written report of Chandan Kumar dated 27.10.2017, submitted before the Station House Officer, Munger Muffasil Police Station is to the effect that on 27.10.2017, at 9 PM, the informant and his father were sitting on a bridge, in the meantime, the petitioners along with two unknown persons, during course of immersion of idol, were playing vulgar song through D.J. system and when they reached near the bridge, the petitioners assaulted the father of the informant with lathi as a result, he got his left forearm



fractured.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the petitioners to have made assault when only one injury has been found to be grievous. Subsequently, the informant has retracted from his initial accusation and also filed a petition to that effect before the learned Court below, which has been brought on record as Annexure-3. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the accusation is specific against the petitioners.

Considering the fact that there is no accusation of repeating the blow, fracture injury has been found on non-vital part of the body and the informant has retracted from his initial version, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Muffasil P.S. Case No. 256 of 2017, subject to the condition as



laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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