

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6520 of 2018

Arising Out of PS.Case No. -131 Year- 2017 Thana -DHANAHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Shyam Kushwaha,
 2. Anup Kushwaha, Both sons of Badri Narayan Kushwaha,
 3. Guddu Kushwaha, S/o Shivrath Kushwaha,
 4. Mantu Kushwaha @ Mantu Kumar, S/o Shivrath Kushwaha,
 5. Janmejaya Kushwaha, S/o Parbhansh Kushwaha,
 6. Rajesh Yadav, S/o Shankar Yadav, All six are R/o Village- Dahawa,
P.S.- Dhanaha, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 02-02-2018

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Sheshnath Kushwaha dated 22.07.2017 submitted to the Station House Officer, Dhanaha Police Station is to the effect that on 22.07.2017 at 9.00 P.M. after closing the grocery shop,



the informant was talking with some person near a temple, in the meantime, a truck came and tried to dash then the truck was stopped and he was enquired about rash driving then co-accused Binod Kushwaha came and entered into an altercation. Thereafter, co-accused Binod Kushwaha, petitioner no. 1 Shyam Kushwaha and petitioner no. 2 Anup Kushwaha came and co-accused Binod Kushwaha assaulted with iron rod on the head of the informant. When Kanhaiya Kushwaha, the son of the informant came to his rescue, he was assaulted by petitioner no. 1 Shyam Kushwaha. Thereafter, Tarkeshwar Kushwaha, the younger brother of the informant came, who was assaulted by petitioner no. 3 Guddu Kushwaha with iron rod. When the cousin brother of the informant came then he was assaulted by petitioner no. 4 Mantu Kushwaha. Co-accused Binod Kushwaha also snatched Rs.9,000/- .

It is submitted by learned counsel for the petitioners that none of the injured received any grievous injury, except one grievous injury on the person of the informant Sheshnath Kushwaha, who said to have been specifically assaulted by co-accused Binod Kushwaha, who is not the petitioner before this Court. Statement to that effect has been made in paragraph 7 of the petition. There is a counter version of



the informant also. Co-accused Binod Kushwaha lodged Dhanaha P.S. Case No. 132 of 2017 with accusation under Sections 147, 323, 325, 504 and 506 of the Indian Penal Code against the informant on 12.10.2017. Petitioners' sides have also received injuries. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation of assault is specific against the petitioners also.

Considering the fact that for a petty dispute the accusation has been levelled, there is a counter version of the occurrence also when petitioners' sides have also received injuries and except the injury of the informant none have received grievous injuries coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or 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 the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Bagaha, West Champaran in connection with Dhanha P.S. Case No. 131 of



2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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