

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30761 of 2018

Arising Out of PS.Case No. -488 Year- 2017 Thana -SAMASTIPUR MUFFASIL District -
SAMASTIPUR

- =====
1. Bindeshwar Singh @ Bindeshwar Mahto Son of Late Aklu Mahto
 2. Kundan Kumar Son of Bindeshwar Singh @ Bindeshwar Mahto
- Both residents of village - Aadharpur, P.S. - Muffasil, District -
Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 18-05-2018

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
147, 149, 341, 323, 325, 307, 379, 504 and 506 of the Indian
Penal Code.

The prosecution case as per the written report
of Suresh Bhagat dated 18.08.2017 submitted to the Station
House Officer, Samastipur Muffasil P.S. is to the effect that on
18.08.2017 at 3.00 A.M. during the Janamastami fair the son of
the informant Sandeep Kumar was watching dance from the roof



of school building, along with petitioners and co-accused Sunni Kumar, Rishu Kumar and Ranjeet Kumar. The accused persons abused the son of the informant and assaulted him. On protest being made by the informant, the accused persons also assaulted him. It is specifically alleged that petitioner no. 2 Kundan Kumar assaulted with iron rod on the head of the son of the informant causing cut injury, co-accused Sunni Kumar assaulted with bamboo stick on the head but it caused injury on the mouth leading to uprooting of four teeth and fracture of right hand. It is alleged that petitioner no. 1 took out Rs.2500/- from the pocket of the son of the informant and co-accused Ranjeet Kumar on the point of knife, took signature on two plain papers and gave it to co-accused Rishu.

It is submitted by learned counsel for the petitioners that there is no accusation of assault against petitioner no. 1. However, it is alleged that petitioner no. 2 assaulted with iron rod on the head of the son of the informant but the son of the informant has received only two injuries, one lacerated wound on the root of the nose and swelling and tenderness on the lower part of right forearm. Injury no. 1 has been found to be simple whereas injury no. 2 has been found to be grievous, which is alleged to have been caused on forearm. A statement



has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the petitioners are named in the FIR.

Considering the fact that the accusation against petitioner no. 2 is not being corroborated by medical opinion as no injury has been found on the head 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-V, Samastipur in connection with Samastipur Muffasil P.S. Case No. 488 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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