

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55574 of 2017**

Arising Out of PS. Case No.-276 Year-2017 Thana- BAHADURPUR District- Darbhanga

1. Dinesh Lal Deo, S/o Late Yogendra Lal Deo @ Late Yogi Lal Deo, null
2. Vijay Lal Deo S/o Dinesh Lal Deo Both are R/o Village- Mohapura, P.S.- Bahadurpur (Sonki O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                         |
|--------------------------|---|---------------------------------------------------------|
| For the Petitioner/s     | : | Mr. D. K. Sinha, Sr. Advocate<br>Mr. Girish Chandra Jha |
| For the Opposite Party/s | : | Mr. SRI RAJEEV NAYAN                                    |
| For the Informant        | : | Mr. Krishan Prasad Singh, Sr. Advocate                  |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**

ORAL ORDER

3      15-01-2018              Heard learned Sr. Counsel for the petitioners, learned APP for the State and learned Sr. Counsel for the informant.

The petitioners apprehend their arrest in connection with Bahadurpur P. S. Case No. 276 of 2017 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 379 and 504 of the Indian Penal Code.

Allegedly, the petitioner no. 1 asked the informant to sworn affidavit as he is a witness in the case to which he denied and then the petitioners and other co-accused entered into the courtyard and started assaulting the informant and his family members, the petitioner no. 2 assaulted the informant with iron rod on his head causing rapture at three places and bleeding and



thereafter, Phul Babu Lal Deo also assaulted and when Dukhni Devi the wife of the informant came for rescue, she was assaulted by petitioner no. 1 on her head.

Submission is of false implication and that to remove cow dung the occurrence has taken place, there was no intention to commit murder, in paragraph 5 of the case diary it has come that private doctor is treating the injured and as such no reliance can be placed on the injury report. No offence under Section 307 IPC is made out against the accused persons and the allegation of theft is ornamental, there is no allegation that the blow was repeated and as such the petitioners deserve sympathetic consideration as they have got no criminal antecedent.

Learned APP duly assisted by learned Sr. Counsel for the informant opposes the prayer of bail by submitting that against the petitioner no. 2 there is serious allegation for causing head injury to the informant and on vital part the injury was caused.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner no. 2, I am not inclined to grant him privilege of pre-arrest bail, accordingly, his such prayer stands rejected.

So far as petitioner no. 1 is concerned, in case of his arrest



or surrender within four weeks from the date of receipt/production of a copy of this order, petitioner no. 1 is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Bahadurpur P. S. Case No. 276 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Jitendra Mohan Sharma, J)**

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