

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37781 of 2018

Arising Out of PS. Case No.-239 Year-2017 Thana- KATEYA District- Gopalganj

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1. Govind Kamkar,
 2. Amit Kamkar, Both S/o Rajdhani Kamkar, R/o Village- Kateya Ward No.5, Khudi Chhapar, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,324,307 and 302 of the IPC.

The prosecution case as per the written report of Tarkeshwar Sonar submitted to SHO, Kateyan Police Station on 21.8.2017 is to the effect that on 20.8.2017 at 8.30 P.M. while performing dance on the occasion of Sataisa ceremony of the son of Bharat Kamkar, there was hot exchange between the younger brother of the informant, namely, Upendra Sonar and Chhathu Chouhan but the issue was pacified by the people present there. Subsequently, the accused persons including the petitioners came in a mob being variously armed and



surrounded and attacked the brother of the informant. The informant along with his brothers, mother Kaushalya Devi and daughter Guria reached on the spot and saw that co-accused Nathuni Chouhan, Chhedi Chouhan and Chhathu Chouhan are assaulting the brother of the informant namely Upendra Sonar with knife and screw driver etc., causing serious injuries to him. The accused persons also assaulted the informant and his mother, daughter and one Dharmendra Sonar.

It is submitted by learned counsel for the petitioners that the accusation of assault against the petitioners is omnibus and general and that too except the victim Upendra Sonar. The FIR categorically suggests specific accusation of assault to Upendra Sonar (deceased) against co-accused Nathuni Chouhan, Chhedi Chouhan and Chhathu Chouhan. For the occurrence of 20.8.2017 at 8.30 P.M. the written report was submitted on 21.8.2017 at 8.30 A.M. No grievous injury has been received by any of the persons except Upendra Sonar, who succumbed to the injury on the spot. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. There is counter version of the occurrence also being Kateyan P.S. Case No. 244 of 2017 registered under Sections 147, 148, 341, 323, 324, 307, 427 and 379



of the IPC.

Learned APP submits that the petitioners are named in the FIR and they also participated in the assault.

Considering the genesis of the occurrence, the specific accusation of assault to Upendra is against co-accused Nathuni Chouhan, Chhedi Chouhan and Chhathu Chouhan, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM,- XV, Gopalganj in connection with Kateya P.S. Case No.239 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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