

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39560 of 2018

Arising Out of PS.Case No. -174 Year- 2016 Thana -SAHKUND District- BHAGALPUR

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1. Bishwajeet Jha @ Bishwajeet Kumar Jha Son of Binodanand Jha @ Bedanand Jha
2. Akshay Thakur Son of Naresh Thakur
3. Niranjana Thakur Son of Naresh Thakur All are residents of Village - Dariyapur, Babu Tola, P.S. Sajour, District - Bhagalpur.
4. Khergosh Miyan @ Md. Trtaj @ Itreja @ Khargosh Son of Md. Kamaluddin Resident of Village - Dariyapur, Muslim Tola, P.S. Sajour, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 09-07-2018

Heard both sides.

The petitioners apprehend their arrest in Shahkunda (Sajour) P.S. case No. 174 of 2016 under Section 147, 148, 149, 323, 326, 307, 504, 506 of the Indian Penal Code.

The informant made her statement on 02.11.2016 at Paramount Care Hospital, New Bypass Road, Kankarbagh, Patna that on 30.10.2016 she was returning to her house from Navrang clinic but on the order of Bishwajeet Jha other accused persons are alleged to have indiscriminately assaulted the informant with dagger.



The learned counsel for the petitioners submits that the informant was assaulted in Bhagalpur and she was brought to Mayaganj hospital but the I. O. did not collect any injury report from Mayaganj hospital, Bhagalpur. The informant came to Patna for her treatment. This fact itself shows that she manufactured the entire injury report. The police after investigation submitted final form finding the case true under Section 147, 148, 149, 323, 504, 506 of the Indian Penal Code but the learned Magistrate took cognizance under Section 307 and other Sections of the IPC. It is submitted that on account of enmity the informant lodged this false case after getting the manufactured injury report.

It appears that the informant alleged that she was assaulted near Lalji bridge and she was brought to Mayaganj hospital, Bhagalpur but she came to Patna for better treatment. From perusal of the injury report, it appears that, of course, the informant got several injuries but all injuries are superficial and simple in nature. The I. O. did not collect any injury report from Mayaganj hospital where the informant was first treated.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of



receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Bhagalpur in connection with Shahkund (Sajour) P.S. case No. 174 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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