

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1504 of 2018

Arising Out of PS. Case No.-268 Year-2017 Thana- NABINAGAR District- Aurangabad

1. Ruby Kumari, D/o Mahendra Ram,
2. Raushan Kumar, S/o Mahendra Ram,
3. Geeta Kumari, D/o Mahendra Ram,
4. Mahendra Ram, S/o Late Surajpat Ram, All resident of Village-
Mirjapur Rampur, P.S.- Nabinagar, Distt. Aurangabad (Bihar).
- 5.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Adv.
For the Opposite Party/s : Mr. DR. INDIWAR KUMARI

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 308,
504/34 of the Indian Penal Code.

The prosecution case is that on 16.09.2017 when the
informant went to a tube well installed in front of his house to
take water, the accused persons objected and restrained him
from taking water from the tube well and also assaulted him.

It is submitted by learned counsel for the petitioners that
the accusation of assault is not specific, hence no case under



Section 308 of the I.P.C. is made out. Accusation is omnibus and general. Petitioners are agnate of the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation of assault is against these petitioners also.

Considering the fact that accusation has been levelled in the background of dispute with regard to use of water of tube well between the agnate coupled with statement made in paragraph no.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 12 weeks from today, 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 CJM, Aurangabad, in connection with Nabinagar P.S. Case No. 268 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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