

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51825 of 2018

Arising Out of PS.Case No. -90 Year- 2017 Thana -WARISLIGANJ District- NAWADA

- =====
1. Sanjeet Kumar.
 2. Salo Singh @ Shailendra Singh. Both sons of Shyamli Singh, resident of Village- Mafi, P.S. Warisaliganj, District Nawada.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Devendra Prasad Singh, Advocate.

For the Opposite Party : Mr. Jai Narain Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-09-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 307, 504 and
379/34 of the IPC.

The prosecution story, in brief, is that on 04.05.2017
at 1.00 A.M. in the night Mukesh Kumar called husband of the
informant from her house and on 05.05.2017 at 6 hours the
informant was informed by the villagers that her husband Dhiraj
Kumar was lying in a bush near a School of Dariyapur and
thereafter she sent Rakesh Kumar who brought her husband in
Warsaliganj Hospital and after gaining his sense her husband told



that Mukesh Kumar, Salo Singh (petitioner no. 2) and Sanjeet Kumar (petitioner no. 1) assaulted him with lathi-danda, stick, leg and kick due to which he became unconscious and threw him in a bush near a School of Dariyarpur Road.

It has been submitted by learned counsel for the petitioners that the petitioners have been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioners. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out. The matter has already been compromised between the parties vide Annexure-4 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Nawada, in connection with Warisaliganj P.S. Case No. 90/2017, subject to the conditions as laid down under Section 438(2) of the



Code of Criminal Procedure.

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(Sudhir Singh, J)

