

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39833 of 2018

Arising Out of PS. Case No.-31 Year-2017 Thana- KAUAKOL District- Nawada

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1. Suraj Mistry
 2. Chando Mistry Both Sons of Mahendra Mistry@ Mahendra Mistri Resident of Village- Jogachak, P.S. Kawakole, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323 and 307/34 of the IPC.

The prosecution case as per the written report of Md. Afzal Khan, submitted to the SHO, Kawakol Police Station is to the effect that on 15.3.2017 at 10.30 A.M., the co-villager Suraj Mistri (petitioner no. 1) and Chando Mistri (petitioner no. 2) and co-accused Murli Mistri assaulted and badly injured the informant, since the informant was protesting for outraging the modesty of a girl by the accused persons.

It is submitted by learned counsel for the petitioners that the FIR was registered on 15.3.2017 but it reached to the court



of learned ACJM on 20.3.2017, which suggests that by ante-dating the FIR has been registered. It is further submitted that accusation is omnibus and general against the accused persons and the injury has been found to be simple in nature. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the genesis of the occurrence and the injury being simple in nature 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- IV, Nawada in connection with Kawakole P.S. Case No. 31 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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