

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26135 of 2018

Arising Out of PS.Case No. -13 Year- 2018 Thana -SIMRI District- BUXAR

- =====
1. Kapildeo Kunwar, S/o Late Vishwanath Kunwar.
 2. Shivji Kunwar, S/o Late Vishwanath Kunwar
 3. Atal Kunwar, S/o Late Prabhu Kunwar
 4. Mithilesh Kunwar @ Mithilesh Kumar, S/o Kapildeo Kunwar
 5. Vishwesh Kumar @ Vishesh Kumar, S/o Chotak Kunwar, All are Resident of Village- Dumari, P.S.- Simri, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Opposite Party/s : Smt. Gulnar Begam

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

5 09-07-2018 Heard both sides.

The petitioners apprehend their arrest in Simri P.S. Case No.13 of 2018 registered under Section 307 and other sections of the Indian Penal Code.

The informant Lakshmina Devi named the petitioners along with other persons and alleged that they having armed with different weapons came to the house of the informant. As soon as Guddu Kumar came all the accused persons started indiscriminately assaulting him. The informant went to save but Kapildeo Kunwar, petitioner No.1 also put her down on the ground and Chotak kunwar, who is not the petitioner here,



assaulted her with iron rod on her head. When the other family members came, accused persons also assaulted them.

The learned counsel for the petitioners submits that prior to institution of this case, from the side of the petitioners Chotak Kunwar also lodged Simri P.S. Case no. 10 of 2018 in which many persons of the side of the petitioners have been injured. The present case is counter blast of Simri P.S. Case No.10 of 2018. Kapildeo Kunwar is alleged to have pushed the informant on the ground and Mithilesh Kunwar is alleged to have snatched gold chain from the possession of the informant. There is no specific allegation against the petitioner No.2, Shivji Kunwar, and petitioner No.3, Atal Kunwar and petitioner No.5, Vishwesh Kumar.

On the other hand, the learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer of anticipatory bail and submitted that the petitioner No.1 has got three criminal cases and petitioner Nos.2 and 5 have got one criminal case. Petitioner No.4 also got two criminal cases.

It appears that petitioners and informant are agnates and there are many cases instituted from both sides.

Taking into consideration the facts aforesaid and the fact that no specific allegation of assault is 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) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Buxar in connection with Simri P.S. Case No.13 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

