

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1689 of 2018

Arising Out of PS.Case No. -509 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

- =====
1. Ram Naresh Roy, S/o Ram Swaroop Roy,
 2. Gulshan Kumar, S/o Ram Naresh Roy,
 3. Kishan Kumar @ Kishan Kumar, S/o Devendra Ray,
 4. Rukmini Devi, W/o Devendra Roy,
 5. Sudama Devi, W/o Ram Naresh Roy,
 6. Bhago Kumari, D/o Ram Naresh Roy,
 7. Radha Kumari, D/o Devendra Roy, All the above R/o Village-
Madhopur, Madhopur, P.S.- Samastipur Muffasil, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 11-01-2018

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 337, 354B, 307, 427, 379, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Birendra Ray is to the effect that on 26.08.2017 at 7.00 A.M. all the FIR named accused persons intercepted the informant while he was going to work and forcibly dragged him.



It is further alleged that on order of Devendra Rai, he and petitioner no. 1 Ram Naresh Rai put rope around the neck of the informant and tried to strangle him when the informant's daughter came to rescue, then all the accused persons tore her clothes and started assaulting her. Petitioner no. 4 Rukmini Devi assaulted with bricks on the head of Khushboo Devi and petitioner no. 2 Gulshan Kumar snatched gold chain of the daughter of the informant. It is alleged that in order to pressurize the informant for entering into compromise in Samastipur Muffasil P.S. Case No. 249 of 2016 in which the accused persons made assault to the wife of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant. For the same occurrence Samastipur Muffasil P.S. Case No. 510 of 2017 was registered with accusation under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code by petitioner no. 2 Gulshan Kumar against the informant, his wife and daughter and petitioners have also received injuries. It is further submitted that the injury report of Khushboo Devi is not on record. However, accusation of causing grievous injury on the neck of the informant is alleged against petitioner no. 1 only.

Let the learned Court below consider the



prayer for regular bail of petitioner no. 1, if he surrenders before the learned Court below within a period of six weeks from today. It is expected from the learned Court below to dispose of the bail application of petitioner no. 1 preferably on the same day.

Considering the nature of accusation when both sides have received injuries, let the above named petitioners except petitioner no. 1 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 5th, Samastipur in connection with Samastipur Muffasil P.S. Case No. 509 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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