

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39743 of 2018

Arising Out of PS. Case No.-333 Year-2018 Thana- NAWADA District- Nawada

1. Kamlesh Prasad, S/o Late Jageshwar Mahto,
2. Raushan Kumar
3. Gulshan Kumar
Both Sons of Kamlesh Prasad,
All R/o Vill.- Kamalpur, P.S.- Kadirganj Town, O.P., District-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad, Adv.

For the Opposite Party/s : Sri Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-07-2018 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 307,323,324,341,
354B,379, 34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Upendra Prasad, recorded by S.I. Dinkar Dayal Town Police
Station on 20.05.2018 at 17.00 Hours at Sadar Hospital,
Nawada in Surgical Ward, to the effect that on 19.05.2018, the
informant was returning to his house from Nawada at 9.P.M.
when he reached near the house of petitioner no.1, Kamlesh
Paswan, the cow of Kamlesh Paswan which was tied on the
road, dashed him. Thereafter, the informant made protest as to



why petitioners' cow is being tied on the road, thereafter, all the petitioners came armed with Khanti, Sawal and iron rod and started abusing and assaulting him. Petitioner No.1, Kamlesh Prasad assaulted on the head of the informant with 'khanti', petitioner no.2, Raushal Kumar assaulted him with iron rod, whereas, petitioner no.3, Gulshan assaulted him with dagger causing cut injury on the finger of the informant. On alarm being raised, when wife of the informant, namely, Premlata came to rescue him, then petitioner no.1 caught her hold with bad intention and pushed her down. During the incident of assault, petitioner no.3, Gulshan Kumar took out Rs.500/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are agnate of the informant and for a general dispute of tying the cow on the road, frivolous accusation has been levelled. 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 there is specific accusation against the petitioners.

Considering the genesis of the occurrence, coupled with statement made in paragraph no. 6(iv) of the petition to the



effect that injuries have been found simple in nature and further 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, Nawada in connection with Kadirganj Town P.S. Case No.333/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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