

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70150 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- SARAI District- Vaishali

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1. Jagdish Singh Son of Late Ram Sunder Singh
 2. Gopi Raman Son of Jagdish Singh
 3. Vikash Kumar @ Vikash Kumar Singh Son of Jagdish Singh All
Resident of Village- Askaranpur, P.S.- Sarai, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Smt. Rita Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,325,354,379 and 504/34 of the IPC and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Sanjay Kumar Singh dated 29.5.2018 recorded by the S.I. Ashok Trivedi, Town Police Station, Hajipur at the Emergency Ward, Sadar Hospital Hajipur is to the effect that the accused persons were plucking the lichi fruit from the orchard of the informant. On protest being made, petitioner no. 3 Vikas Kumar caught hold of the informant whereupon others started assaulting him with fists and slaps. Petitioner No. 1 assaulted the informant with iron rod causing fracture injury on left hand and co-accused Adarsh



Kumar (non-petitioner) started pressing the chest of the informant and fired and co-accused Gopi Raman snatched gold chain. It is further alleged that when the wife of the informant came to rescue, co-accused Gopi Raman tore her blouse.

It is submitted by learned counsel for the petitioners that in the background of the land dispute, the accusation has been levelled. For the occurrence of 27.5.2017, the FIR was registered on 14.6.2018. It is further submitted that the petitioners side lodged Sarai P.S. Case No. 99 of 2018 with the accusation under Sections 307/34 of the IPC and Section 27 of the Arms Act against the informant and his brother. The petitioner no. 2, is alleged to have caused grievous injury, but the same is on non-vital part of the body of the informant. Petitioner no. 2 is 83 years of age. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the accusation in the FIR not being specific against the petitioners, delayed lodging of the case, coupled with the case lodged by the petitioners' side being earlier in point of time and the fact that injury report does not suggest any grievous injury except a swelling and pain on the left wrist of the informant, 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-XIII-cum-Sub Judge XIV, Vaishali at Hajipur in connection with Sarai P.S. Case No.123 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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