

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23523 of 2018

Arising Out of PS. Case No.-15 Year-2018 Thana- KHAGARIA District- Khagaria

-
1. Satish Kumar Singh,
 2. Bikash Kumar Singh, Both S/o Jagdish Singh, R/o Vill.- Madhua,
P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 307,323,504,341,447 and 379/34 of the IPC.

The prosecution case as per the written report of Rakesh Kumar dated 8.1.2018 is to the effect that on 8.1.2018 at 12 A.M. the petitioners and their father Jagdish Singh were cutting tree from the land of the informant. The petitioners were armed with pistol whereas their father Jagdish Singh was armed with lathi. Petitioner no. 1 Satish Kumar Singh threatened to kill the informant, whereupon petitioner no. 2 Bikash Kumar Singh took lathi from his father and assaulted on the leg of the informant, as a result, the informant fell down and thereafter gold chain worth



Rupees Thirty Thousand was snatched whereas the petitioner no. 2 and his father Jagdish Singh indiscriminately assaulted the informant. The mother of the informant came to their rescue, but she was pushed down on the ground by the petitioner no. 1 and he snatched gold chain worth Rupees Forty Five Thousand. On alarm being raised the accused persons escaped from the scene.

It is submitted by learned Senior Counsel for the petitioners that the petitioners are agnates of the informant and in the background of land dispute the accusation has been levelled. The injury report suggests only two injuries, one swelling on left forearm and the other swelling on left knee. However, the X-Ray report shows fracture of left fibula, hence the said injury has been treated as grievous in nature. It is further submitted that even assuming the accusation, the case under section 307 of the IPC is not made out since from the accusation it appears that petitioner no. 2 had no intention to kill the informant as admittedly he was armed with pistol but he chose to assault with lathi after taking it from his father and that too on the leg of the informant. Though the petitioners are accused in one other case but statement has been made in paragraph 3 of the petition that they are on bail in that case.



However, the petitioner no. 2 is ready to make payment of Rupees Five Thousand to the informant by way of medical assistance. The said amount will be deposited before the learned court below which will be released in favour of the informant. It is made clear that the payment of aforesaid amount will have no bearing on the ultimate result of the case.

Considering the nature of accusation, 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 CJM, Khagaria in connection with Khagaria (M) P.S. Case No.15 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

