

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38026 of 2018

Arising Out of PS. Case No.-104 Year-2017 Thana- VIDYAPATINAGAR District-
Samastipur

-
-
1. Rinku Devi, Wife of Ganesh Singh,
2. Ganesh Singh, Son of Late Ranath Singh, All Resident of
Village Harpur Bochaha Vidyapati Nagar, District- Samastipur.
... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh
For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 447, 354, 307, 379, 504, 506 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Manish Kumar dated 17.09.2017 submitted to the SHO, Vidyapati Nagar Police Station is to the effect that on 17.09.2017 at 04:00 P.M. the informant was sleeping in his house. He came out on hearing the noise of his agnates, he saw that the petitioner no. 2, Ganesh Singh and co-accused Vishwajeet Kumar and Sivani Kumari are abusing the informant's wife Suman Devi since she was protesting against making hut on the land which came in the share of the informant



after partition. The informant also made protest to that whereupon the petitioner no. 2, Ganesh Singh assaulted with khanti on the head of the informant causing cut injury. When the informant fell down on the ground the wife of the informant came to rescue him and she was also assaulted by petitioner no. 2 by catching hold of her hair and by disrobing her.

It is also alleged that petitioner no. 2 snatched the gold chain of the wife of the informant. It is submitted by learned counsel for the petitioners that the petitioners are agnate of the informant and in the background of land dispute and litigated relationship from before, the accusation has been levelled. It is further submitted that the injuries have been found to be simple. There is no accusation of repeating the blow hence the case does not come within the purview of Section 307 of the IPC. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. However the impugned order suggests that earlier also informant has been named in a case with the accusation of kidnapping but in that case final form has been submitted. There is counter version of the occurrence as Petitioner No. 2 Ganesh Singh has also lodged Vidyapati Nagar P.S. Case No. 105 of 2017 for offences punishable under Sections 323, 325, 34, 341, 354, 379, 427, 447,



504 and 506 of the IPC against the informant side.

Learned APP submits that accusation of assault has been levelled against the petitioner no. 2.

Considering the genesis of the occurrence and in view of nature of injury being found to be simple and there is counter version of occurrence, 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 A.C.J.M., Dalsingsarai in connection with Vidyapati P.S. Case No. 104 of 2017, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

