

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4270 of 2019

Arising Out of PS. Case No.-256 Year-2018 Thana- BIHARIGANJ District- Madhepura

1. Niraj Kumar @ Niraj Kumar Jha S/o Ghanshyam Jha Vill-Bihariganj, Ward No.03, P.S-Bihariganj, Distt.-Madhepura.
2. Priyanshu Kumar S/o Ghanshyam Jha Vill-Bihariganj, ward no.03, P.S-Bihariganj, Distt.-Madhepura.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-01-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bihariganj P.S. Case No. 256 of 2018 for the offence under Sections 323, 341, 307, 379, and 504/34 of the Indian Penal Code.

There is allegation of assault made against the five persons of the same family, which is general and omnibus. There is specific allegation against petitioner No.1 of having assaulted the informant on his head with an iron rod.

Learned counsel appearing on behalf of the petitioners has submitted that lodging of the present case, in fact, is in retaliation to an occurrence of an attempt to outrage the modesty of the petitioner's sister in respect of which on the same day Bihariganj P.S. Case No.257 of 2018 has been



registered.

On perusal of the First Information Report, I find that there is no allegation of repetition of assault made by the petitioner No.1.

Considering the facts and circumstances and the nature of accusation, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Shri A. Kumar, learned J.M. 1st Class, Udakishunganj, Dist-Madhepura, in Bihariganj P.S. Case No. 256 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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