

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6540 of 2019

Arising Out of PS. Case No.-361 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. Rameshwar Singh, aged about 65 years (Male), S/o- Late Brijnandan Singh.
2. Vivek Kumar Singh, aged about 22 years (Male), S/o- Balmiki Singh. Both are residents of Village - Teliya Bandha, P.S. Manjhagarh, District-Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anirudh Kumar Verma, Advocate.
For the Opposite Party : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324, 307, 379 and 504/34 of the IPC.

The prosecution story, in brief, is that on the alleged date and time of occurrence, an altercation was going on due to hiding spade of informant Rajesh Kumar Singh by petitioner no. 2 Vivek Kumar Singh. In the meantime, other petitioners came there and alongwith the petitioner no. 2 Vivek Kumar Singh threw him on the ground and he repeatedly inflicted *Tangi* blows on head and different part of body and other petitioners assaulted him with *Lathi-Danda* due to which, he became



bloodied. When his wife and son rushed to rescue him, they were also assaulted by the petitioners and Mangal Sutra from his wife and cash Rs. 3220/- were snatched by them. Nearby people brought them Hospital for treatment.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. From perusal of the order dated 15.12.2018 passed by learned Sessions Judge, Gopalganj, it appears that there is no injury report in the case diary. Hence, it cannot be ascertained whether the offence under Section 307 of the IPC is made out or not. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Gopalganj, in connection with Manjhagarh
P.S. Case No. 361 of 2018, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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