

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14883 of 2019

Arising Out of PS. Case No.-70 Year-2017 Thana- MEHANDIA District- Jehanabad

1. Deepak Kumar, Son of Vishwanath Singh Resident of Village-Haldiya, Police Station-Haldiya, District-Arwal.
2. Prabhat Kumar, Son of Vishwanath Singh Resident of Village-Haldiya, Police Station-Haldiya, District-Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vipin Kumar Singh, Advocate
For the informant	:	Mr. Harsh Singh, Advocate
For the Opposite Party/s	:	Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 14-05-2019 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mahendia P.S. Case no. 70 of 2017, registered under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that five persons named in the F.I.R., including the petitioners, having armed with iron rod, lathi and khanti in their hands reached at the field of informant Nand Kishore Singh and started to plough the field through tractor. When Niranjana Kumar, son of the informant, made



protest then on the order of Pramila Devi, Vishwanath Singh, father of the petitioners, gave iron rod blow at the chest of Niranjana Kumar. Thereafter, both the petitioners also caused injury to him by means of Lathi. On receiving the said information, the informant reached at the place of occurrence and raised alarm then all the accused fled away from there. Thereafter, Niranjana Kumar was rushed for treatment.

Learned counsel for the petitioners submits that both the petitioners are sons of Vishwanath Singh, which is said to be main assailant. Further submission is that it would appear from the F.I.R. itself that occurrence of Marpit took place due to land dispute and after investigation, the Police submitted Final Form against the petitioners, but later on, differing with the Final Form submitted by the Police, the learned trial Court took the cognizance of the offence under Sections 341, 323, 307, 427, 504 and 506/34 of the Indian Penal Code against the petitioners. Further submission is that the injuries as found on the chest of son of informant is said to be caused by Vishwanath Singh, father of the petitioners. Further submission is that both the petitioners are students and they have no criminal antecedent.

On the other hand, learned counsel appearing on



behalf of the informant opposed the pre-arrest bail of the petitioners submitting that while Final Form was submitted against the petitioners, but learned trial court took the cognizance against the petitioners differing with the Final Form and for appearance, bailable, nonbailable and processes under Section 82/83 Cr.P.C. have also been issued against the petitioners.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Jehanabad in connection with Mahendia P.S. Case No. 70 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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