

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27542 of 2019

Arising Out of PS. Case No.-475 Year-2018 Thana- BHAGWAN BAZAR District- Saran

1. KANHAIYA RAI Son of Gopal Rai
2. Dadan Rai @ Tantan @ Amar Rai @ Amardeep Kumar Son of Kanhaiya Rai
Both Resident of Mohalla - Doulatganj, P.S.- Bhagwan Bazar, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-04-2019 Heard both sides.

The petitioners apprehend their arrest in Bhagwan Bazar P.S. Case No.475 of 2018 registered under Sections 307, 354 and 379 and other minor Sections of the Indian Penal Code.

The informant filed Complaint Case No.2634 of 2018 on the basis of which the present F.I.R. was lodged. The complainant named the petitioners along with Usha Devi and alleged that on 05.08.2018 on the order of Kanhaiya Rai(petitioner No.1), Tantan (Petitioner No.2) assaulted her with Dab on her head. Tantan Rai again assaulted on her hand. When her daughter, Khusboo and husband came to save, Kanhaiya Rai assaulted her husband with lathi.



The learned counsel for the petitioners submits that the occurrence took place on 05.08.2018 but the complaint petition was filed on 18.09.2018 i.e. only after one month and ten days of the occurrence. There is no explanation for such delay. The injuries as referred by the learned Sessions Judge in his order that one lacerated wound was found on scalp but the injury appears to be simple in nature and can be manufactured as there is no justification for instituting the case after one month and ten days.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No.475 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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