

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27402 of 2019

Arising Out of PS. Case No.-157 Year-2018 Thana- DHANAHAN District- West Champaran

1. Pappu Nishad, Son of Suren Nishad, Resident of Village- Baira, Bin Tola, P.S.- Dhanaha, District- West Champaran
2. Kusha Nishad, Son of Suren Nishad, Resident of Village- Baira, Bin Tola, Barwa, P.S.- Dhanaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 06-08-2019 Vide order dated 26.04.2019, the prayer for pre-arrest bail of petitioner no. 1, namely, Pappu Nishad, was rejected.

Heard learned counsel for the petitioner no.2 and the learned A.P.P. for the State.

The petitioner no. 2, Kusha Nishad, apprehends his arrest in connection with Dhanha P.S. Case No. 157 of 2018, registered under Sections 147, 341, 323, 149, 304, 447, 448, 504 and 506 of the Indian Penal Code.

The accusation is due to quarrel in between children in course of playing ball, seven persons named in the F.I.R. including the petitioners came at the door of informant, Santosh Nishad, having lathi in their hand and started to cause assault.



At that time, petitioner no. 1, Pappu Nishad caused injury at the chest of his father, Manager Nisha, in which, he sustained injury.

Learned counsel for the petitioners submits that while petitioner no. 2 is named in the F.I.R. but no specific overt act has been attributed against him rather the specific allegation against petitioner no. 2, Pappu Nishad, to cause injury at the chest of deceased, Manager Nishad, father of the informant, and petitioner no. 2 is simple shown as member of mob and petitioner no. 2 has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner no.2 be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Bagaha, West Champaran, in connection with Dhanha P.S. Case No. 157 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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