

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41643 of 2019

Arising Out of PS. Case No.-192 Year-2015 Thana- UCHKAGAON District- Gopalganj

1. UPENDRA MANJHI Son of Ram Chandra Manjhi, Resident of Village-Dharman Tola, P.S. Uchkagaon, District- Gopalganj.
2. Abhay @ Abhay Kumar Mahto Son of Bideshi Mahto, Resident of Village-Dharman Tola, P.S. Uchkagaon, District- Gopalganj.
3. Chandan @ Chandan Ram Son of Hari Shankar, Resident of Village-Dharman Tola, P.S. Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-09-2019 Heard both sides.

Petitioners apprehend their arrest in Uchkagaon P.S.

Case No.192 of 2015 registered under Sections 147, 148, 149, 341, 323, 324, 427, 307, 379 and 504 of the Indian Penal Code.

The informant named eleven persons including the petitioners and disclosed that the named accused along with 11-12 unknown persons surrounded him while he was going to purchase medicine on his motorcycle and assaulted him with sword.

Learned counsel for the petitioners submits that there is omnibus and general allegation of assault against the petitioners. It is further submitted that similarly situated co-accused Navin Singh and others have been granted anticipatory bail by learned Additional Sessions Judge I, Gopalganj. The



case of the petitioners stands on same footing. The informant got one lacerated wound on occipital region. The injury opined to be simple in nature. The informant alleged that 11 named accused and 11-12 unknown persons assaulted him with sword but only one injury was found that too caused by hard and blunt object, which is opined to be simple in nature. This fact itself falsifies the prosecution case of indiscriminate assault by 22-23 persons.

Having considered the facts aforesaid and the fact that similarly situated co-accused Navin Singh and other persons have been granted anticipatory bail, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IX, Gopalganj in connection with Uchkagaon P.S. Case No.192 of 2015 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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