

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.45394 of 2019

Arising Out of PS. Case No.-94 Year-2019 Thana- KHARIK District- Bhagalpur

1. ROHIT KUMAR, aged about 22 years, Male, Son of Shiv Sah, Resident of Village-Jhanui, P.S.-Kharik, District-Bhagalpur
2. Shiv Sah, aged about 52 years, Male, Son of Late Hari Sah, Resident of Village-Jhanui, P.S.-Kharik, District-Bhagalpur ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Amrendra Kumar, Adv.
For the Opposite Party : Mr.Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-07-2019

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Kharik P.S. Case No. 94 of 2019 for the offences alleged under Sections 147, 148, 149, 341, 323, 307, 325, 354, 504 and 506 of the Indian Penal Code.

The accusation is that in the evening of 04.05.2019 daughter of informant, Dayanand Thakur, returned to her house from Basa and made complaint in weeping condition to the informant that Bambam Kumar caught hold her hand with bad intention. Thereafter, informant, Dayanand Thakur, along with villagers went at the house of Bambam Kumar and made complaint, on which Bambam Kumar and six others, including the petitioners, started to abuse and scuffle. When the informant made protest, then, all assaulted with lathi, iron rod and fists. Rohit Kumar at that time assaulted to Anil Mandal through sword.

The submission of the learned counsel for the petitioners is that due to petty dispute occurrence of marpeet took place in which



petitioners' side also sustained injuries regarding which Kharik P.S. Case No. 95 of 2019 was instituted on 05.05.2019 on the basis of the fardbeyan of Shiv Sah. More over, injuries found on the person of the injured are all simple in nature.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Kharik P.S. Case No. 94 of 2019 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Naugachia, Bhagalpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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