

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47986 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- RAFIGANJ District- Aurangabad

1. SHAKTI SAO Son of Late Satyendra Sao Resident of Village - Simra Jamshed, P.S.- Rafiganj, District- Aurangabad (Bihar)
2. Nagendra Sao, Son of Late Kedar Sao, Resident of Village - Simra Jamshed, P.S.- Rafiganj, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 504, 307 and 379 of the Indian Penal Code.

The prosecution case is that on 11.03.2019 at about 6.00 A.M., the informant was sitting at the embankment of a pond. In the meantime, all the accused persons, including the petitioners came and started abusing and co-accused Nitish Kumar @ Bihari assaulted on the head of the informant repeatedly with a 'sawal' causing cut injury on the head of the informant. On alarm being raised by the informant, when the brother of the



informant, namely Indrajeet Sao came to rescue then the petitioners and co-accused, Amitabh Sao assaulted the brother of the informant with *khanti* causing fracture injury to his right leg. The accused persons are also alleged to have snatched a silver locket from the neck of the informant.

It is submitted by learned counsel for the petitioners that the accusation is not specific against the petitioners and there is a counter version of the occurrence also, being Rafiganj P.S. Case No.70 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the specific accusation of assault levelled against co-accused, Nitish Kumar @ Bihari coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned CJM,



Aurangabad, in connection with Rafiganj P.S. Case No.71 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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