

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49387 of 2019

Arising Out of PS. Case No.-99 Year-2019 Thana- PAHARPUR District- East Champaran

1. Prabhu Sharan Prasad Srivastava, Son of Late Ekbal Ji Prasad, Resident of village- Pipra, P.S.- Paharpur, District- East Champaran.
2. Jai Prakash Srivastava, Son of Prabhu Shran Prasad Srivastava, Resident of village- Pipra, P.S.- Paharpur, District- East Champaran.
3. Sudha Devi, Wife of Prabhu Sharan Shrivastava, Resident of village- Pipra, P.S.- Paharpur, District- East Champaran.
4. Goldi Kumari, Wife of Raj Kumar Shrivastava, Resident of village- Pipra, P.S.- Paharpur, District- East Champaran.
5. Priyanka Shrivastava, Wife of Om Prakash Shrivastava, Resident of village- Pipra, P.S.- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Paharpur P.S. Case No. 99 of 2019, registered under Sections 323, 324, 325, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that in the morning of 05.04.2019, seven persons named in the F.I.R including the petitioners were engaged in cutting the wheat crops and carrying the same from



the field regarding which proceeding was going on, on which, Kundan Kumar, brother of informant, made protest then all became adamant and started to abuse. At that time, Raj Kumar Srivastava gave Farsa blow at the head of his brother, Kundan Kumar, in which, he sustained injury and fell down. When his son, Rupak came to save his brother then Jai Prakash Srivastava (petitioner no. 2) assaulted him through lathi causing injury at his head. Thereafter, informant came there then all started to cause assault to him through lathi, fist and slaps. In the meantime, Suda Devi (petitioner no. 3) took gold chain from the neck of his brother, Kundan Kumar.

Learned counsel for the petitioners submits that there is general and omnibus allegation against the petitioners to cause injury to the informant and his son but their injuries are simple in nature, while the specific allegation against co-accused, Raj Kumar Srivastava is to cause injury at the head of Kundan Kumar, brother of the informant, through Farsa but the injury of Kundan Kumar is kept reserved. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Paharpur P.S. Case No. 99 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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