

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66883 of 2019

Arising Out of PS. Case No.-635 Year-2016 Thana- FORBESGANJ District- Araria

1. TAMHU RISHIDEO @ TUMO RISHIDEO, Son of Shripat Rishideo Resident of Village - Thariya Bakya, P.S.- Simraha, District- Araria
2. Gopal Rishideo, Son of Takkan Rishideo Resident of Village - Thariya Bakya, P.S.- Simraha, District- Araria
3. Satawali Mahto @ Sitabi Mahto, Son of Late Wajib Mahto Resident of Village - Thariya Bakya, P.S.- Simraha, District- Araria
4. Gujay Thakur @ Thakur Ji, Son of Bhumi Thakur, Resident of Village - Thariya Bakya, P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 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 341, 323, 324, 327, 307, 379, 504 and 384/34 of the Indian Penal Code.

The prosecution case is that on 25.11.2016, at 4.00 P.M., all the accused persons, including the petitioners came on the land of the informant which was under care of one, Birchi Rishideo. On protest being made, the accused persons started assaulting the informant and tried to strangle him. It is



further alleged that co-accused, Raju Rishideo wrapped a towel around the neck of the informant and took away Rs.700/- from the pocket of the informant. The accused persons also demanded extortion amount of Rupees Ten Lac from the informant.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 25.11.2016, the FIR was registered on 28.11.2016. Subsequently, the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below. It is further submitted that the accusation is omnibus and general and even assuming the accusation to be true, no offence under Section 384 of the I.P.C. is made out against the petitioners and the injury caused to the informant has been found simple in nature. 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 there is specific accusation against the petitioner in the FIR.

Considering the accusation being omnibus and general, delayed lodging of the FIR, 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, Araria, in connection with Forbesganj P.S. Case No.635 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

