

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.74708 of 2019

Arising Out of PS. Case No.-295 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. VIDYA BHUSHAN DWIVEDI Son of Late Ramsuresh Dubey Resident of Village-Mahadeva, P.S.-Siwan Mufassil (OP-Mahadeva), District-Siwan.
2. Golu @ Avinash Kumar @ Avinash Kumar Dwivedi Son of Vidya Bhushan Dwivedi Resident of Village-Mahadeva, P.S.-Siwan Mufassil (OP-Mahadeva), District-Siwan.
3. Sonu Singh Son of Late Bhupendra Singh Resident of Village-Mahadeva, P.S.-Siwan Mufassil (OP-Mahadeva), District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-11-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,307,379,504 and 506/34 of the IPC.

The prosecution case is that on 31.7.2019 at 8.00 A.M., the petitioners being neighbour of the informant and others were found erecting a wall on the government land. On protest being made, the petitioner no. 1 assaulted the



informant. Thereafter all the accused persons assaulted him with iron rod. It is further alleged that that petitioner no. 2 snatched Rs.6800 cash and took away a gold chain worth Rs.40,000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that at earlier point of time, Siwan Mufassil (Mahadeva OP) P.S. Case No. 268 of 2019 has been lodged by the petitioner's side against the informant side, and thereafter, the present case has been lodged as a retaliatory measure. The impugned order suggests that there is no injury report on record to corroborate the accusation. It is further submitted that there is no specific accusation against the petitioner no. 3.

Learned APP submits that the petitioners are named in the FIR and there is specific accusation against them.

Considering the genesis of the occurrence and the impugned order being passed after examining the records which suggests no injury report on record, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Siwan in connection with Siwan
Mufassil (OP- Mahadeva)P.S. Case No. 295 of 2019
subject to the conditions laid down in Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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