

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.627 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- THARTHARI District- Nalanda

1. Shrawan Kumar @ Shrawan Bind, aged about 31 years, Gender-Male, Son of Dinesh Kumar @ Dinesh Prasad, Resident of Village - Khapura, P.S.- Nagarnausa, District - Nalanda.
2. Bahadur Kumar, aged about 28 years, Gender-Male, Son of Sita Yadav Resident of Village - Bishupur, Police Station - Telhara, District - Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Shyamal Prakash, Advocate.
For the Opposite Party	:	Mr.Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned counsel for the State.

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

The prosecution story, in brief, is that on 15.04.2019 while the informant was going from his shop, petitioners stopped his Motorcycle. Petitioner no. 1 is said to have assaulted



with Iron rod and petitioner no. 2 is said to have assaulted with *Hockey* on his head. Thereafter, petitioner no. 1 snatched golden locket from his neck and petitioner no. 2 took watch from his hand. The reason behind the occurrence is that earlier the informant made a complaint against the petitioners as they used to collect money from those persons who are involved in selling of liquor where they assaulted him with Lathi, Danda and butt of pistol. Anyhow the Officer-in-charge of the said police station saved his life for that the informant lodged Tharthari P.S. Case No. 51/2019 against them.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on



anticipatory bail on their personal bond to the satisfaction of learned A.C.J.M., Hilsa, Nalanda, in connection with Tharthari P.S. Case No. 52 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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