

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12071 of 2020

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1. Suneshwar Bin, aged about 26 years(M), son of Late Girdhari Bin
 2. Munna Bin, aged about 24 years(M)
 3. Tunna Bin, aged about 21 years(M)
Both sons of Shivnath Bin,
 4. Sunil Bin, aged about 30 years (M) son of Tilak Bin,
 5. Narayan Bin @ Narayan Kumar Bin, aged about 35 years(M), son of Aklu Bin
All resident of village-Chandrahiya Bin Tola, P.S.-Harsidhi, District-East Champaran

..... Petitioner

Versus

The State of Bihar

..... Opposite party

Appearance

For the Petitioner : Mr. Umesh Chandra Verma, Advocate

For the State : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 28.08.2020 Heard learned counsel for the petitioners and learned
A.P.P for the State through video conferencing.

The instant application for anticipatory bail has been filed
by the petitioners apprehending their arrest in connection with
Harsidhi P.S. Case No.127 of 2019, registered under sections
308, 341, 323, 379, 504, 506 and 34 of the Indian Penal Code.

As per allegation in the F.I.R, the six named accused



persons including the five petitioners herein along with 2-3 unknown persons are stated to have come and having started abusing the informant. On being asked not to abuse it is stated that on the orders of accused Shivnath Bin the petitioner nos. 2 and 3 tied a rope around the informant's neck, took away Rs 50/- and started to assault with fists, slaps and kicks.

It is submitted by learned counsel for the petitioners that the allegation as levelled in the F.I.R. are false and concocted. The allegations are general and omnibus in nature. Further from the injury report it is submitted that the ligature mark found around the neck of the informant, in the opinion of the doctor is simple in nature. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Case diary was called for in the instant case and the same has been received. From perusal of the injury reports available in the case diary it transpire that the ligature mark which was found around the neck of the informant, in the opinion of the doctor is suggestive of attempt of strangulation. The doctor in the supplementary injury report has opined that the injury nos. 2 and 3 which includes fracture of 7th rib to be grievous in nature. These injuries are directly attributable to the petitioner nos. 2 and 3. Hence the Court is not inclined to enlarge the petitioner nos. 2



and 3 on anticipatory bail and their application for anticipatory bail is rejected.

So far as petitioner nos.1, 4 and 5 are concerned, the Court is inclined to enlarge the petitioner nos. 1, 4 and 5 on bail. The petitioner nos. 1, 4 and 5 are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Harsidhi P.S. Case No.127 of 2019, they will be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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