

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20213 of 2020

Arising Out of PS. Case No.-560 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. KAMAL RAM Son of Janki Ram Resident of Village - Pasarama, P.S.-
Gopalganj, District- Gopalganj
 2. Dharmendra Ram Son of Kamal Ram Resident of Village - Pasarama, P.S.-
Gopalganj, District- Gopalganj
 3. Sanjit Ram Son of Kamal Ram Resident of Village - Pasarama, P.S.-
Gopalganj, District- Gopalganj
 4. Dhanjay Kumar @ Dhananjay Kumar Son of Late Chuman Ram Resident of
Village - Pasarama, P.S.- Gopalganj, District- Gopalganj
 5. Sharda Devi Wife of Late Chuman Ram Resident of Village - Pasarama,
P.S.- Gopalganj, District- Gopalganj
 6. Manju Kumari D/O- Kamal Ram Resident of Village - Pasarama, P.S.-
Gopalganj, District- Gopalganj
 7. Rina Kumari D/O- Kamal Ram Resident of Village - Pasarama, P.S.-
Gopalganj, District- Gopalganj
 8. Sima Kumari D/O- Kamal Ram Resident of Village - Pasarama, P.S.-
Gopalganj, District- Gopalganj
 9. Gyanti Devi Wife of Kamal Ram Resident of Village - Pasarama, P.S.-
Gopalganj, District- Gopalganj
 10. Pintu Kumari D/O- Kamal Ram Resident of Village - Pasarama, P.S.-
Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Opposite Party/s : Mr.Ram Sevak Choudhary

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 07-10-2020

Heard learned counsel for the petitioners as



well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Gopalganj P.S. Case No. 560 of 2019 registered for the offences punishable under Section 307 and other minor sections of the Indian Penal Code.

Accusation against the petitioners is that they having entered into the house of the informant assaulted the informant and others.

Admittedly, case diary goes to show that altogether three persons sustained injury but all the injured sustained simple injury said to be caused by hard and blunt substance.

Submission on behalf of the petitioner is that petitioners are next door neighbour of the informant and no such occurrence, as alleged in the written report of informant, did ever take place. Learned counsel of the petitioner further submits that no case under section 307 of the Indian Penal Code is made out and the materials available in the case diary goes to show that it is simple



case of assault.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that above named, petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Gopalganj P.S. Case No. 560 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C.

The written report of the informant goes to show that petitioner no. 4 namely, Dhanjay Kumar @ Dhananjay Kumar was aged about 12 years on the alleged date of occurrence but in the petition, petitioner no. 4 claimed his aged as 34 years. The concerned court should verify the aforesaid fact and if age of petitioner no. 4 is found 12 years on the alleged date of occurrence



, the concerned court shall take step in accordance with
law.

N.K/- (Hemant Kumar Srivastava, J)

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