

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87456 of 2019

Arising Out of PS. Case No.-149 Year-2017 Thana- GHORASAHAN District- East
Champaran

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1. Dhruv Yadav @ Dhuruv Rai @ Dhurup Rai Son of Jaylal Rai @ Jayeelal Rai Resident of Village-Gurmiya (Khash Tola), Police Station-Ghorasahan, District-East Champaran at Motihari.
 2. Shivmangal Yadav @ Shiv Mangal Rai Son of Dharikshan Rai Resident of Village-Gurmiya (Khash Tola), Police Station-Ghorasahan, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance

For the Petitioner/s	:	Mr. Dr. Amrendra Kumar, Advocate Mrs.Sanjana, Advocate
For the State	:	Mr.Bharat Lal, APP
For the Informant	:	Mr. Arun Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

- 3 19-03-2020 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

The petitioners are languishing in custody since 22.10.2019 in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Raj Kumar Prasad submitted to the Station House Officer, Incharge Police Camp, Sadar Hospital, Motihari, East Champaran, is to the effect that on 26.03.2017 at 7.30 P.M. the informant along



with his cousin brother, Ajit Kumar coming home on a motorcycle, but on the way, four accused persons including the petitioners and three unknown stopped the informant, thereafter, Shivmangal Rai, petitioner no. 2 and co-accused Pappu Rai by putting towel around the neck of the informant dashed him and tried to strangle, in the meantime, petitioner no. 1 Dhuruv Rai made assault with knife causing injury on the head of the informant and repeated the blow causing injury on the on the left hand. The other co-accused persons made assault with fists and slaps and snatched a gold chain and cash amount of Rs.10,000/- from the informant.

It is submitted by learned counsel for the petitioners that though the case was registered under Sections 341, 323, 324, 504, 506, 307, 379/34 of the Indian Penal Code but on conclusion of the investigation charge sheet was submitted under Sections 341, 323, 324, 504 and 506/34 of the Indian Penal Code, however, differing with the final form cognizance was also taken under Section 307 of the IPC. The petitioners were given privilege of police bail also during investigation. The petitioners preferred Cr. Misc. No. 62446 of 2019 with a prayer for anticipatory bail but during pendency of the application the petitioners were arrested by the police and were



sent to judicial custody but the same was not disclosed and this Hon'ble Court granted anticipatory bail to the petitioners. It is further submitted that the petitioners were arrested in some other case but subsequently remanded on 09.10.2019 in the present case on the basis of production warrant. The injuries have been found simple in nature.

Learned APP after going through the case diary submits that the petitioners have serious criminal antecedent and from the impugned order it appears that they have misused the process of the bail.

Considering the nature of accusation and the fact that the petitioners were granted bail on merit, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sikrahana at Dhaka, District - East Champaran in connection with Ghorasahan P.S. Case No. 149 of 2017.

(Dinesh Kumar Singh, J)

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