

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1025 of 2020

Arising Out of PS. Case No.-168 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

1. Shiv Pujan Prasad, aged about 25 years, Gender-Male, S/o Late Bhuneshwar Noniya, R/o village- Bhogal Bigha, P.S.- Makhdumpur, District- Jehanabad, Bihar.
2. Dev Pujan Prasad, aged about 24 years, Gender-Male, S/o Late Bhuneshwar Noniya, R/o village- Bhogal Bigha, P.S.- Makhdumpur, District- Jehanabad, Bihar.
3. Raj Kumar @ Raju Kumar, aged about 24 years, Gender-Male, S/o Shiv Pujan Prasad, R/o village- Bhogal Bigha, P.S.- Makhdumpur, District- Jehanabad, Bihar.
4. Bharat Kumar, aged about 23 years, Gender-Male, S/o Dev Pujan Prasad, R/o village- Bhogal Bigha, P.S.- Makhdumpur, District- Jehanabad, Bihar.
5. Shiv Kumar Chandravanshi, aged about 26 years, Gender-Male, S/o Kedar Rai, R/o village- Bhogal Bigha, P.S.- Makhdumpur, District- Jehanabad, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Prashant Kumar, Advocate.
For the Opposite Party : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-06-2020 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, 325, 307 and



504/34 of the IPC.

The prosecution story, in brief, is that on 15.04.2019 at about 7.00 P.M., the informant and his brother Deepak Prasad was returning to his house after doing work and the informant's wife went to demand money to the house of the petitioners with regard to arrears of wages amounting Rs. 10,000/-. It is alleged that the petitioners assaulted concertedly. When the informant and his brother came to make query, as to why they have assaulted his wife, the family members of the accused were sitting armed with *Lathi* and *Sword* and started assaulting them as a result of which, the informant's brother sustained injury. When the informant's uncle came to pacify, all family members of the petitioners have assaulted. Shiv Kumar Chandrawanshi (petitioner no. 5) came with *Lathi* and started assaulting and the informant and others escaped away for saving their lives. They snatched chain and ear-ring from the neck of the informant's wife.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus allegation has



been made against the petitioners. No specific injury is attributed against the petitioners. Nature of injury caused upon the victims is said to be simple. No offence under Section 307 of the I.P.C. is made out.

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 S.D.J.M. Jehanabad, connection with Makhdumpur P.S. Case No. 168 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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