

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40780 of 2020

Arising Out of PS. Case No.-91 Year-2020 Thana- MAHARAJGANJ District- Siwan

1. AJIT KUMAR S/O GAURI SHANKAR PRASAD, R/O VILLAGE-SIKATIYAN, P.S.-MAHARAJGANJ, DISTRICT-SIWAN
2. MADHU KUMARI D/O GAURI SHANKAR PRASAD, RESIDENT OF VILLAGE-SIKATIYAN, SIKTIA, P.S.-MAHARAJGANJ, DISTRICT-SIWAN.
3. POONAM DEVI W/O GAURI SHANKAR PRASAD, RESIDENT OF VILLAGE-SIKATIYAN, SIKTIA, P.S.-MAHARAJGANJ, DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through virtual court proceeding.

Learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

The petitioners apprehend their arrest in connection with Maharajganj P.S. Case No. 91 of 2020 registered for offence punishable under sections 341, 323, 325, 307, 337, 338, 504 and 34 of the Indian Penal Code.



As per allegation, accused persons including the petitioners assaulted the informant and his wife with brick bats and lathi etc. The specific allegation against co-accused, Sugan Kumar is that he gave lathi blow on the head of the informant.

The learned counsel for the petitioners has submitted that there is case and counter case and the present case has been lodged only in retaliation of the earlier case lodged on behalf of the petitioners' side. He has further submitted that allegation against the petitioners are omnibus and general whereas there is specific allegation against co-accused Sugan Kumar of inflicting lathi blow on the head of the informant. Co-accused Sugan Kumar has been granted bail by the court below itself.

It has also been pointed out that during the pendency of this application, petitioner no. 3, Poonam Devi was arrested. As such, **the petition against petitioner no. 3, Poonam Devi is dismissed as withdrawn.**

So far petitioner nos. 1 and 2 are concerned, there is general and omnibus allegation against them. Co-accused Sugan Kumar against whom there is specific allegation of inflicting lathi blow on the head of the informant, was granted bail by the court below. As such, **let the petitioner nos. 1 and 2**, in the event of their arrest or surrender, within four weeks from today,



be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Siwan in connection with Maharajganj P.S. Case No. 91 of 2020, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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