

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37843 of 2020

Arising Out of PS. Case No.-185 Year-2020 Thana- DIGHWARA District- Saran

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1. Sonu Kumar Baitha @ Sonu Kumar, Son of Parma Baitha, Resident of Village - Barbanna, P.S.- Dighwara in the Distt.- Saran
 2. Monu Kumar Rajak @ Monu Kumar, Son of Parma Baitha, Resident of Village - Barbanna, P.S.- Dighwara in the Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Dighwara P.S. Case No. 185 of 2020, registered under Sections 341, 323, 324, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that informant, Vicky Kumar Singh, was returning to his house from Dighwara market. When



he reached near the door of Sonu Kumar (petitioner no.1) and Monu Kumar (petitioner no.2) then they detained him and started to abuse saying that the dues money pending against the informant will not be paid to him. At that time, Sonu Kumar (petitioner no.1), who was in drunken state, gave iron rod blow causing injury at his head then he fell down. Thereafter, Parma Baitha, father of both petitioners, gave Dav blow causing injury at his forehead. On raising alarm, his sister-in-law, Sweta Devi, rushed to save them then she was also assaulted and laid down on the ground and Sonu Kumar (petitioner no.1) snatched the locket from her neck. In the meantime, Rohit Kumar gave iron rod blow causing injury at his right hand.

Learned counsel for the petitioners submits that in fact, petitioners, who was washer man, had gone to the house of the informant to make request to pay the money, which was due but the informant started to abuse and cause assault, in which, petitioners' side also sustained injury, regarding which, petitioners' side also lodged a case. Further submission is that the two injuries, as found on the person of the informant, are simple in nature. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the



case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Saran at Chapra, in connection with Dighwara P.S. Case No. 185 of 2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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