

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2302 of 2021

Arising Out of PS. Case No.-164 Year-2020 Thana- RAFIGANJ District- Aurangabad

1. SIMA DEVI D/O JAY NANDAN SHARMA RESIDENT OF VILLAGE - FADARPURA, P.S.- RAFIGANJ, DISTRICT - AURANGABAD.
2. NITISH KUMAR SON OF JAY NANDAN SHARMA RESIDENT OF VILLAGE - FADARPURA, P.S.- RAFIGANJ, DISTRICT - AURANGABAD.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Shailesh Kumar Singh, Advocate.
For the State	:	Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 06.01.2021, 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 Rafiganj P.S. Case No.164 of 2020 registered under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

The accusation is that when the informant Usha Devi



was returning to her house after throwing the garbage at her field, at that time, four persons, named in the F.I.R., including the petitioners started to abuse. When the informant made protest saying that she has thrown the garbage at her own land, then all started to cause assault to her through lathi. At that time, Satish Mistry gave the axe blow at the head of the informant causing blood oozing injury at her head. In the meantime, Kalawati Devi also came there and caused assault to the informant through fists and legs. When the husband of the informant rushed to save her, then Nitish Kumar (petitioner no.2) caused injury at his left eye by pelting bricks. Others also caused injury to the husband of the informant.

Learned counsel for the petitioners submits that due to petty dispute, the occurrence of “Maar-Peet” took place between the parties in which the petitioners’ side also sustained injury. Moreover, the injuries, as found on the person of the informant and her husband, are simple in nature except the injury no.1, which is sharp cutting wound on occipital region of the informant, which is attributed to Satish Mistry, regarding which the opinion was kept reserved. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of



the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad, in connection with Rafiganj P.S. Case No.164 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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