

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45541 of 2021

Arising Out of PS. Case No.-437 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. NAGESHWAR PRASAD Son of Late Devnandan Bhagat Resident of Village- Minapur, P.S.- Minapur, District- Muzaffarpur.
2. Dharamveer Singh @ Guddu Son of Nageshwar Prasad Resident of Village- Minapur, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-02-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code.

As per the prosecution case, the accused persons including the two petitioners herein are stated to have assaulted the informant.

It is submitted by learned counsel for the petitioners that so far as the petitioner no. 1 is concerned, from the FIR itself it would be apparent that the allegation against him is only of being the order giver. The allegation of assault on the head of the informant is solely against Dipak Kumar. From the injury



report of the informant brought on record as Annexure-2 to the petition it would be evident that only one injury has been found on the temporal region which can be attributed to the aforesaid Dipak Kumar. The allegation against the petitioner no. 2 is general and omnibus in nature. The injury report does not support the allegation of assault by 20 persons. The petitioners are in custody since 14.6.2020 and 20.6.2021 respectively. They have no criminal antecedent and investigation in the case has concluded.

Having heard learned counsel for the parties and taking into consideration the facts of the case, there being direct allegation against Dipak Kumar of having assaulted the informant on his head together with charge sheet having been submitted in the case, the Court directs the above two petitioners to be enlarged on bail in connection with Minapur P.S. Case no. 437 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Muzaffarpur.

(Partha Sarthy, J)

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