

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23142 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- PANCHRUKHI District- Siwan

1. JANKI DEVI Wife of Jagarnath Mahto Resident of Village - Jasauli Pakauli, P.S.- Pachrukhi, District - Siwan.
2. MANU KUMAR @ MONU KUMAR JAGARNATH MAHTO RESIDENT OF AAM GHAT ROAD NEAR NEW BRIDGE NEW BARGANDA GIRIDIH JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shrinath Manjhi, Adv.
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-01-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Pachrukhi P.S. Case No. 167 of 2021, G.R. No. 2809 of 2021 of instituted under Sections 341, 323, 324, 307, 380, 447, 448, 504, 34 of the Indian Penal Code.

As per the prosecution story, the informant was constructing house when the accused persons armed variously came and started abusing and further allegation is that while Upendra Mahto gave 'farsa' blow to the informat, the petitioner No. 1 assaulted his mother, Ilaichy Devi while petitioner No. 2, Monu Kumar assaulted his brother, Amit Kumar.



Learned counsel for the petitioners submit that both are agnates and due to some odd discussion, unfortunate incident took place in which both sides have suffered injuries and so far as the allegations are concerned, a bare perusal of the learned Sessions Judge order would show that the same have been found to be simple in nature.

Further without accepting the allegation and/or the outcome of the present petition, on its own, the petitioners would like to extend medical assistance of Rs. 10,000/- each to Amit Kumar and Ilaichy Devi through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court and to be handed over to them after checking their credentials.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that there is allegation of assault against them.

Taking into account the fact that both the petitioners do not have criminal antecedent save and except a case under Section 107 of Cr.P.C., the injuries have been found to be simple in nature and they will be cooperating in the investigation/trial, this Court is inclined to grant them relief subject to payment of Rs. 10,000/-, as stated above.



Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Pachrukhi P.S. Case No. 167 of 2021, G.R. No. 2809 of 2021 to the satisfaction of learned ACJM-VI, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/ Ajay
Singh/-

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