

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24681 of 2015

Arising Out of PS.Case No. -136 Year- 2015 Thana -BIHTA District- PATNA

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Kiran Devi W/o Shankar @ Brinda Prasad Resident of Village Shiv Shakti
Nagar, Bihta, P.S. Bhta, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.29937 of 2015

Arising Out of PS.Case No. -136 Year- 2015 Thana -BIHTA District- PATNA

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Ramashankar @ Brind Prasad, S/o Shri Tulsi Singh, resident of Village -
Shivshakti Nagar P.S. - Bihta, District - Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.24681 of 2015)

For the Petitioner : Mr. Anuj Kumar, Advocate.

For the Opposite Party : Mr. Shantanu Kumar (APP)

(In Cr.Misc. No.29937 of 2015)

For the Petitioner : Mr. Anuj Kumar, Advocate.

For the Opposite Party : Mr. Murlidhar (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 05-10-2015 Both these Criminal Miscellaneous arise out of the

same police station case and as such have been heard together and

are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well

as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under sections 341, 323, 324, 307 and 504/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, for land dispute other co-accused Suresh Singh, Bicky Kumar and Nicky Kumar assaulted the informant with *lathi*, *danda* and rod and when the informant tried to flee away the petitioners fired upon him by which he received injury on his lip and chest and after hearing the sound of firing mohalla people came there and brought the informant to the referral hospital, Bihta from where he was referred to P.M.C.H.

Submission is of false implication and that the petitioners have got no criminal antecedents. Without any injury report charge sheet has been submitted. The prosecution story appears not probable and reliable. No offence under section 307 I.P.C. is made out. It is also not specific as to from whose firing the informant sustained injury. The petitioner Kiran Devi is a lady and she deserves protection under section 437 Cr.P.C. The petitioners are in custody since 28.02.2015 and photo copy of the injury report has been sent which is on the record by which it reveals that one circular wound below the left mid clavicle and one linear abrasion below the lower lip have been found but it is not mentioned regarding the nature of injury and further as to

whether it was caused by fire arm or other weapon and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposes by submitting that against the petitioners there is allegation for opening fire.

Considering that there is no specific assertion as to whose firing hit the informant, charge-sheet has already been submitted without injury report and the petitioners by remaining in custody since 28.02.2015 now has been sufficiently penalized at this stage and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. Danapur in Bihta P.S. Case No. 136 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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