

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37663 of 2015

Arising Out of PS.Case No. -109 Year- 2015 Thana -NAUHATTA District- SAHARSA

1. Khageshwar Yadav Son of Late Sahdeo Yadav
2. Randhir Kumar Son of Khageshwar Yadav
Both residents of village - Birjain, P.S. Nauhatta (Darhar O.P.), District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.37975 of 2015

Arising Out of PS.Case No. -109 Year- 2015 Thana -NAUHATTA District- SAHARSA

1. Ranjit Kumar Son of Khageshwar Yadav
2. Amit Kumar Son of Khageshwar Yadav Both residents of village - Birjain, P.S. Nauhatta (Darhar O.P.), District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.37663 of 2015)

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Subesh Sharma &
Mr. M.Rab (App)

(In Cr.Misc. No.37975 of 2015)

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Subesh Sharma &
Mr. S.N.Shukla(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

2 21-09-2015

Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections

341, 323, 307, 447, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the minor child of the informant Pravin Kumar was abused and assaulted by the petitioner Khageshwar Yadav, since his calf entered into the crop field of Khageshwar Yadav. The informant went to make complaint, then accused persons abused and on the order of Khageshwar Yadav the petitioner Randhir Kumar caught hold the son of the informant when sons of Khageshwar Yadav namely Ranjit Kumar and Amit Kumar caused fire-arm injury to the informant Yogendra Yadav and his son Arvind Kumar.

It is submitted by the learned counsel for the petitioners that the petitioners' side filed case at the earlier point of time and the petitioner Amit Kumar and his wife have also received injuries. The accusation against Randir Kumar to have caught hold of the informant, when he was shot at by Amit Kumar and Ranjit Kumar, appears to be unreasonable.

Learned counsel for the informant submits that there is specific accusation that on the order of Khageshwar Yadav, Ranjit Kumar and Amit Kumar fired and injury has been found to be grievous caused by fire-arm. Since there is specific accusation against Randhir Kumar and Amit Kumar to have fired, let the learned court below consider the prayer for regular bail of the petitioner namely Ranjit Kumar and Amit

Kumar, if they surrender before the learned court below within a period of six weeks from today in connection with Nauhatta (Darhar O.P.) P.S. Case No. 109 of 2015, pending in the court of learned Chief Judicial Magistrate, Saharsa.

So far as petitioners namely Khageshwar Yadav and Randhir Kumar are concerned, since there is no accusation against them that they fired, 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 twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Nauhatta (Darhar O.P. P.S. Case No. 109 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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