

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43592 of 2015

Arising Out of PS.Case No. -83 Year- 2015 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Ramesh Singh S/o Bachu Singh
 2. Raju Singh S/o Ramdeo Singh
 3. Krishna Singh S/o Awadh Singh
 4. Arun Singh S/o Kamdeo Singh
 5. Awadh Singh S/o Bachu Singh
 6. Nand Kishore Singh S/o Ramdeo Singh
 7. Upendra Singh S/o Ramesh Singh
 8. Mangal Singh S/o Ramdeo Singh
 9. Mantu Singh S/o Brij Bihari Singh
- All R/o Village+P.O. Krishnapur, P.S. Nokha, Distt- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate
For the Opposite Party/s : Mr. Sanjay Kr.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-10-2015 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 147, 148, 341, 323, 324, 379, 342 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that on 02.05.2015 the informant Manoj Kumar Singh was going to his village Kishanpur from Nokha when he reached near the village Ghoshiya, he saw several miscreants including the petitioners sitting with various arms, when the accused

persons snatched Rs. 25,000/- and gold chain, mobile from the informant. It is alleged that Amit Kumar Singh caught hold the informant, when co-accused Yugal Singh assaulted with sharp cutting weapon on his head.

It is submitted by the learned counsel for the petitioners that no specific overt act has been alleged against the petitioners. The accusation has been levelled against eleven First Information Report named accused persons including the petitioners. Specific accusation is only against Amit Kumar Singh and Yugal Singh. The present case has been lodged maliciously, since the brother of co-accused Yugal Singh lodged Nokha P.S. Case No. 82 of 2015 on 02.05.2015 under Sections 341, 323, 324, 307/34 of the Indian Penal Code and 27 of the Arms Act against the brother of the informant and thereafter the present case has been lodged on 03.05.2015. For the occurrence of 02.05.2015 at 7.00 P.M. the First Information Report was registered on 03.05.2015 at 8.30 A.M., but the same reached to the Court of learned Sub-Divisional Judicial Magistrate on 05.05.2015 which suggests that First Information Report was registered by ante dating. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the case lodged by the petitioners' side at earlier point of time, no specific overt act being alleged against the petitioners and delayed reaching of the

First Information Report to the Court, 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 Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas at Sasaram in connection with Nokha P.S. Case No. 83 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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