

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48961 of 2014

Arising Out of PS.Case No. -192 Year- 2014 Thana -DUMRA District- SITAMARHI

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1. Suresh Sah Son of Ramashish Sah Resident of Village - Bhisra Madhopur Raushan, Ward No. 5, P.S. - Dumara, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.49209 of 2014

Arising Out of PS.Case No. -192 Year- 2014 Thana -DUMRA District- SITAMARHI

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1. Sogarath Mahto Son of Late Basudeo Mahto Resident of Village - Bhisra Madhopur Raushan, Ward No. 5 P.S.Dumara, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.48961 of 2014)

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Narendra Kr. Singh(App)

(In Cr.Misc. No.49209 of 2014)

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Narendra Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 30-04-2015 Above noted both the applications have arisen out of one occurrence i.e. Dumra P.S. Case No. 192 of 2014 registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code as such they have been heard together and are being disposed of by this common order.



Allegedly, the petitioners and other co-accused entered into the house of the informant after searching him and co-accused Mahendra Sah assaulted the informant with iron rod on her head and the petitioner Suresh Sah fired from his revolver which hit in the chest of the informant causing injury to her and petitioner Sogarath Mahto took away Rs. 3,00,000/- from the Almiraha and jewelry from the possession of the informant and further Sogarath Mahto claimed that as the ransom was not paid the offence was committed.

Submission is of false implication and that the injury found on the person of the informant has been noticed simple in nature. There is no injury of firearm and the allegation of taking away the money and jewelry is supper addition and has been alleged only with a view to give colour to the case.

Learned APP duly assisted by the learned counsel representing the informant opposes the prayer of pre-arrest bail.

Considering that against the petitioner there is allegation of firing from revolver and causing injury to the informant and from the impugned order it also reveals that the doctor has found bandage wound over forehead and chest of the informant and she was referred to higher centre for treatment and as such, this Court is not inclined to grant privilege of pre-arrest

bail to the petitioner Suresh Sah of Cr. Misc. No. 48961 of 2014.
Accordingly, his such prayer stands rejected.

However, considering the allegation attributed against the petitioner Sogarath Mahto of Cr. Misc. No. 49209 of 2014, he, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 192 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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