

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44636 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

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1. Md. Kaisar Raja Son of Md. Naem
2. Md. Wasi Akhtar Son of Late Abdul Gafoor Both are resident of Village
- Parsurampur, Tola - Jamunia, P.S. - Phenhera, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra
For the Opposite Party/s : Mr. Anita Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-11-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,448,452,380,323,324,379,307,504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case is that the accused persons entered into the house of the informant, robbed the jewellery and thirty thousand cash on protest being made, petitioner no. 1 assaulted with the butt of the gun on the head of the informant whereas petitioner no. 2 assaulted with the butt of the gun on the eye of the informant. All the accused persons assaulted one Manhar also.

It is submitted by the learned counsel for the petitioners



that for the occurrence of 21.6.2015 the FIR was registered on 24.6.2015. Though the injury report was not available on record but on behalf of the informant the injury report was produced which suggests only one injury to the informant grievous in nature. There is counter version of the occurrence and the petitioners side have also received injury. More over, it is submitted that in spite of being armed with gun the petitioners chose to assault with the butt of the gun which suggests that they had no intention to kill, hence the case does not come within the purview of section 307 IPC.

It is submitted by learned senior counsel for the informant that admittedly the injury was caused by the petitioners and the other person from the informant side Manhar also received injury though simple in nature. It is further submitted that the counter case has been found to be false.

Considering the delayed lodging of the FIR and since the informant received only one injury though the accusation of assault is against both the petitioners, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the

satisfaction of learned SDJM, East Champaran, Motihari in connection with Phenhara P.S. Case No. 31 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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