

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35586 of 2014

Arising Out of PS.Case No. -138 Year- 2013 Thana -SISWAN District- SIWAN

- =====
1. Munna Shahi @ Subash Kumar Sahi
 2. Pramod Patel
 3. Sipahi Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit

For the Opposite Party/s : Mr. Uday Pratap Singh-(A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 20-04-2015

A Supplementary affidavit has been filed on behalf of
petitioners, taken on record.

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Informant had alleged that while he was engaged in
distributing money amongst the customers as he happens to be
associated with Western Union Money Transfer and Express
Money, all the accused named therein including these petitioners,
armed variously came, out of whom, petitioners Munna Shahi @
Subash Kumar Sahi and Pramod Patel made indiscriminate firing
upon him. Sipahi Yadav (petitioner) and Arun Tiwari assaulted his
father with lathi. Piyush Tiwari and Mantu assaulted grand mother
of informant with lathi as well as to his grand father. Subsequently
thereof, Munna Sahi and Sipahi Yadav came near him and took

away Rs.1,00,000/-, they have also assaulted. Furthermore, they have caused mischief by demolishing wall erected by Raju Prasad.

By way of supplementary affidavit much emphasis has been made on behalf of petitioners relating to the injuries having over person of informant as well as it has also been submitted that at their behest the learned Chief Judicial Magistrate ordered for constituting a Medical Board to re-examine the informant to ascertain genuineness of injury no.4, more particularly in the background of the fact that there was every possibility of having this injury no.4 projected at the present moment, which he had sustained at an earlier occasion while meeting with an accident and for that Vaishali (Town) P. S. Case no.373 of 2012 was instituted. It has also been submitted that inspite of repeated request at the end of Investigating Officer, informant is evading his presence and that happens to be reason behind that up-till-now, the injury no.4 is found under controversy.

Going through the written report, further statement of informant recorded under Para-8 of the case diary, it is apparent that no specific allegation has been attributed against the petitioners Munna Shahi and Pramod Patel with regard to the assault. Though, there happens to be allegation of making

indiscriminate firing, from Para-14 of the case diary, containing the injury report did not justify the same nor from the written report as well as further statement aforesaid, theme is present. In likewise manner, during course of investigation, the informant could not substantiate having presence of Rs.1,00,000/- at the time of occurrence.

That being so, petitioners have nothing to worry which could justify filing of instant petition and instead thereof, are directed to surrender before the learned lower Court with a prayer for bail, which the learned lower Court will consider favourably in light of aforesaid finding.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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