

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52096 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

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1. Ashok Rai @ Ashok Kumar, son of Deosharan Rai
 2. Aditya Rai @ Raman son of Gopeshwar Rai. Both are resident of village- Banshi Batarha, P.S.- Phulwariya, District- Gopalganj.
 3. Chandra Mohan Rai son of Ram Nagina Rai
 4. Brij Mohan Rai son of Ram Nagina Rai. Both are resident of village- Imiliya Manjha, P.S.- Phulwariya, Dist- Gopalganj
 5. Baleshwar Rai son of Kanhaiya Rai, resident of village- Khurhuria, P.S. Kateya, Dist- Gopalganj

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-12-2015 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Phulwariya (Sripur O.P.) P.S. Case No. 81 of 2015 for the offence alleged under Sections 341, 307, 504, 506/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case, in brief, is that the informant Manoj Kumar Rai filed a written petition dated 07.06.2015 before the S.H.O., Sripur O.P. alleging therein that on 07.06.2015 at about 11.30 A.M., petitioner nos. 1 to 4 came at his house and started abusing. When he made protest, petitioner no.1 fired from



his pistol aiming left side of his body with intention to kill him, but he escaped whereafter petitioner no.3 asked petitioner no.4 to kill him (the informant) by his rifle upon which petitioner no.4 chased him by opening fire but the informant ran away and entered into his house and closed the door. On information given to the police by his family members, Officer Incharge came there and thereafter he came out of his house. The accused persons also called their other accomplices. Amongst the accused persons he identified petitioner No.5, who was also abusing him. Police seized the pistol from the possession of petitioner no.1. The petitioners also threatened them of dire consequences.

It is has been submitted by the counsel for the petitioners that the petitioners have clean antecedent, as is evident from paragraph 3 of this petition. It has further been submitted that the informant is the next door neighbour of the petitioners and there is a land dispute between the petitioners and the informant for which a counter case, bearing Phulwariya (Sripur O.P.) P.S. Case No. 80 of 2015 has been lodged by petitioner no.1 against the informant and others. Furthermore, it has been submitted that no offence under Section 307 of the Indian Penal Code is made out, as none has received any injury.

Be that as it may, let the petitioners, named above, in

the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Phulwariya (Sripur O.P.) P.S. Case No. 81 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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