

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52528 of 2015

Arising Out of PS.Case No. -265 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

- 1. Rajeev Sah , son of Chhotkan Sah
- 2. Pramod Sah, son of Chhotkan Sah
- 3. Sanjay Sah, son of Chhotkan Sah
- 4. Vinod Sah, son of Chhotkan Sah

All are resident of village- Hario, P.S.- Bakhitiyarpur, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.53780 of 2015

Arising Out of PS.Case No. -265 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

- 1. Baidyanath Sah son of Late Mangain Sah
- 2. Savan Sah son of Baidyanath Sah Both resident of village- Sisouni, P.S.- Simri Bakhtiyarpur, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.52528 of 2015)

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Upendra Kumar(App)

(In Cr.Misc. No.53780 of 2015)

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Opposite Party/s : Mr. Smt.Madhuri Lata(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-11-2015 Both the petitions arise out of the same Bakhtiyarpur (Balwahat O.P.) P.S. Case No. 265/2015 registered for offences punishable under Sections 147, 148, 149, 323, 341, 427, 379, 504, 506 and 354 of the Indian Penal Code and under Section 27 of

Arms Act. Therefore both the petitions have been heard together and are being disposed of by the common order.

The prosecution case is based on the F.I.R. which reveals that one Rukmani Devi submitted her written report before the police alleging therein that the informant used to pass her time by operating a tea Breakfast stall in the market. On the date and time of occurrence, about 7 to 8 persons armed with weapon, came at her shop on four wheeler vehicle and by showing fire arms took out Rs. 3500.00 and when she demanded to return her money, the accused persons became angry and assaulted her with fists and slaps and on hearing hulla, her husband Shibu Ray came running and tried to save her, upon which Rajesh Sah opened firing aiming her husband but the same misfired. Thereafter the nearby people assembled and the accused persons fled away on their vehicle.

It has been submitted by the learned counsel for the petitioners that there is omnibus allegation against them and they have not committed any overt act, which has been assigned to other persons, who accompanied the petitioners. It has further been submitted by the learned counsel for the petitioners that there is some land dispute going on between the parties.

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

the event of their arrest or surrender before the Court below within a period of four weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand)each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur (Balwahat O.P.) P. S. Case No. 265/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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