

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20819 of 2015

Arising Out of PS.Case No. -213 Year- 2014 Thana -SONEPUR District- SARAN

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1. Umesh Singh @ Satyendra Singh, son of Late Harinandan Singh.
 2. Indradeo Singh @ Phekan Singh, son of Umesh Singh,
- Both are Residents of Village- Shikarpur, P.S.- Sonapur, District- Saran.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md.Arif (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case instituted under Sections 341, 323, 424 and 307/34 of the Indian Penal Code.

The allegation against Umesh Singh is that he fired shot on the informant but the pillet did not hit him and then both the petitioners gave knife blow causing injuries on his back. During course of treatment he came to know that the petitioners had made firing at his house but no injury to any one.

On behalf of the petitioners, it has been submitted that though the allegation is against the petitioners for causing injury by knife on the back but the injury report, which is Annexure-3 to the present application suggests that the injuries are

simple in nature. Further, it is submitted that the case has not been found true for offence under Section 307 I.P.C. in course of investigation rather the same has been found under Section 308 I.P.C.. It is further submitted that the case was instituted after a period of 26 days from the date of occurrence an explanation has been made by the prosecution. It is further submitted that it is a counter case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the facts aforesaid that after a period of 26 days, present case was instituted, no explanation has been made on behalf of the prosecution, let the above named petitioners, in the event of their arrest or surrenders in the Court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No. 213/14, subject to conditions as laid down u/s 438 (2) Cr. P.C.

(Sudhir Singh, J.)

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