

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32774 of 2015

Arising Out of PS.Case No. -767 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mokhtar Dewan son of late Yusuf Dewan
 2. Sona Dewan son of Habib Dewan
 3. Wazir Dewan son of Jauwad Dewan All residents of village Tikaita, P.s
Turkauliya, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-08-2015

Heard learned counsels for the petitioners

and the State.

Petitioners are apprehending their arrest in
a case registered for the offences punishable under Sections
147, 148, 149, 307, 323, 324, 379 of the Indian Penal Code
and Section 27 of the Arms Act.

The prosecution case is that the F.I.R
named accused persons including the petitioners came
variously armed when petitioner No. 3 assaulted with farsa on
the head of the informant. The other accused persons assaulted
with lathi. It is alleged that petitioner Nos. 1 and 2 fired with
their guns and thereafter co-accused Firoz Dewan(non-
petitioner) took out Rs. 1000/- from the pocket of the informant
and co-accused Jahangir Dewan(non-petitioner) took away
bicycle of the informant.

It is submitted by learned counsel for the

petitioners that injury report of the informant suggests one incise injury but no fire arm injury has been found though it is alleged that petitioner Nos. 1 and 2 fired.

Considering the fact that accusation against petitioner No. 3 is being corroborated by the injury report, let learned Court below consider the prayer for regular bail of the petitioner No. 3, namely Wazir Dewan, if petitioner No. 3 surrenders within a period of six weeks in connection with Turkauliya P.S. Case No. 767 of 2014, pending in the Court of learned Chief Judicial Magistrate, East Champaran at Motihari.

Accordingly the application with regard to petitioner No. 3 stands disposed of.

So far as petitioner Nos. 1 and 2 are concerned, since accusation against them are not being corroborated by the injury report, let the petitioner Nos. 1 and 2, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 767 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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