

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3508 of 2015

Arising Out of PS.Case No. -126 Year- 2014 Thana -ISHAKCHAK District- BHAGALPUR

1. Md. Saquib Khan @ Md. Shakib Khan Son of Fakruddin Khan resident of Mohalla R.B.S.S., Road Bhikhanpur Gumti No. 2 Police Station Ishak Chak, District - Bhagalpur

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.12300 of 2015

Arising Out of PS.Case No. -126 Year- 2014 Thana -ISHAKCHAK District- BHAGALPUR

- 1. Vishal Sah Son of Shiv Prasad Sah
- 2. Avinash Sah @ Gholu @ Avinash Kumar Son of Shiv Prasad Sah
- 3. Shonu Sah @ Shonu Kumar @ Sonu Sha Son of Sankar Sah All are resident of Mohalla - Mundichak, P.S. - Tilkamanjhi, District - Bhagalpur.
- 4. Pawan Kumar Son of Raj Kumar Dubey Resident of Mohalla - Bhikhanpur Shah Darga Lane, P.S. - Tilkamanjhi, District - Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.3508 of 2015)

For the Petitioner : Mr. Dr. Manoj Kumar
For the Opposite Party : Mr. Abhay Kumar 1 (App)

(In Cr.Misc. No.12300 of 2015)

For the Petitioners : Mr. Amrendra Kumar Jha
For the Opposite Party : Mr. Sharda Kumari (App)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 01-06-2015 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Ishakchak P.S. Case No.126 of 2014 registered under Sections 341, 323, 307, 379/34 of the Indian

Penal Code, 27 of the Arms Act and $\frac{3}{4}$ of the Explosive Substances Act.

The accusation is that petitioners along with 10-12 accused started assaulting to the informant when petitioner Avinash Sah caused injury with pistol on the head of the informant. Petitioner Md. Saquib Khan fired through pistol and exploded bomb due to which brother of the informant sustained injury on his chest.

Learned counsel for the petitioners submits that petitioners and informant are co-villagers and due inimical term with the informant the petitioners have been falsely implicated. It is further submitted that allegation against petitioner Avinash Sah is of causing injury on the head of the informant but the injury report reflects only one injury and that too, simple in nature. It is further submitted that case diary which is till 30.12.2014 shows that there is no statement of injured Karan in the case diary. It is also submitted that petitioners have no criminal antecedent.

Considering the aforesaid submissions, let the above named petitioners, above named, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate,

Bhagalpur in connection with Ishakchak P.S. Case No. 126 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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(Rajendra Kumar Mishra, J)