

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8007 of 2016

Arising Out of PS.Case No. -170 Year- 2015 Thana -MUFFASIL District- AURANGABAD

Godhan Ram, S/o Late Ram Deo Ram, resident of village - Kariyawa, P.S.
Muffasil, District - Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel for the informant.

Petitioner apprehends arrest in connection with
Aurangabad (Muffasil) P.S. Case No.170/15 for offences alleged
under Sections 302, 307, 448, 341, 120-B/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case as alleged by the informant
is that on 02.08.2015 at 9.00 P.M. he was sitting in the courtyard
along with his wife and at some distance his daughter was sitting
along with her children. In the meantime, co-accused Ashok Ram
and Pintu Ram came there armed with pistol and co-accused
Ashok Ram fired on the head of his wife, due to which she fell
down on earth. Informant tried to catch hold but co-accused Pintu



Ram fired on him which hit his right hand and then co-accused Ashok Ram after throwing his pistol at the door flew away. It is further stated that informant has fight with his brother Godhan Ram since several years for which co-accused Godhan Ram, Manoj Ram, Ashok Ram and Pintu Ram assaulted his wife in the year 2014 for which a case was lodged and the present case is the counter-case of the case lodged in the year 2014.

It has been submitted by Sri Krishna Prasad Singh, learned senior counsel for the petitioner that the petitioner is full brother of the informant and the allegation is upon the sons of the petitioner. Petitioner was not found at the place of occurrence nor any overt act has been attributed against the petitioner. It has further been submitted by the learned counsel for the petitioner that the petitioner bears clean antecedent, as is evident from Paragraph 3 of this petition. Learned senior counsel further contends that the petitioner and the informant are full brothers and are on inimical terms with each other and that is why petitioner has been falsely implicated in the present case.

Learned counsel for the informant, however, submits that although no overt act is attributable against the petitioner but the sons of the petitioner on the instigation of the petitioner have committed the said offence.

Learned APP for the State, however, states that the petitioner is named in the First Information Report.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad (Muffasil) P.S. Case No. 170/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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