

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23656 of 2016

Arising Out of PS.Case No. -144 Year- 2001 Thana -RAMGARH District- BHABHUA (KAIMUR)

1. Bikarama Sah son of Late Shahjad Sah
2. Dinesh Sah son of Bikrama Sah
3. Baban Sah son of Late Bikrama Sah
4. Sheo Shankar Sah son of Late Shahzad Sah
5. Munna Sah son of Sheo Shankar Sah
6. Nandu Sah son of Sheo Shankar Sah

All are resident of Village-Senisarai, P.S.-Ramgarh, District-Kaimur
.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-05-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 307, 324/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that petitioners came variously armed when petitioner No. 4 Sheo Shankar Sah ordered to fire, thereafter petitioner No. 1 Bikrama Sah fired at the informant causing injury on his knee. The second firing made by the accused persons did not hit the informant.

It is submitted by learned counsel for the petitioners that petitioner No. 1 Bikrama Sah is the son-in-law of the informant and for a petty dispute the accusation has been levelled. One lacerated wound of marginal size, simple injury has been found but in the opinion of the doctor it is not

confirmed that it was caused by fire arm. The injury report has been brought on record as Annexure-2. Though the F.I.R was registered in 2001, final report was submitted on 31.01.2003 and the petitioners were not sent up for trial but differing with the final report ultimately the order of cognizance was passed on 08.02.2016. Moreover the informant has retracted from the initial version and has filed a petition to that effect before learned Court below.

Considering the fact that accusation is not being corroborated with the medical opinion and differing with the final report cognizance has been taken after fifteen years of the occurrence, let the petitioners, 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, Bhabua, Kaimur in connection with Ramgarh P.S. Case No. 144 of 2001, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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