

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37448 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -KADWA District- KATIHAR

=====

1.Shanker Vishwas @ Shanker Biswas s/o Sita Ram Vishwas
2.Dhiren Biswas @ Dhirendra Vishwas
3.Kritya Nand Vishwas s/o late Pirthi Vishwas
4.Pinkoo Viswas @ Pinku Kumar Vishwas s/o Kritya Nand Vishwas
All are resident of Chhuana,P.S. Kadwa, Districdt- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Md. Ashlam Ansari

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 30-11-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Kadwa P.S.Case No. 84 of 2016 for the offence alleged under Sections 341, 342, 323, 307/34, 504 of the Indian Penal Code.

The prosecution case is that the petitioners along with one other entered into the house of the informant and tied his mouth by towel and jointly took him away on a motor cycle at pistol point to a distance of 2 Kms. and all the accused persons assaulted the informant with butt of the pistol, fists and slaps with an intention to kill him and left him at the place of occurrence.

Learned counsel for the petitioners submits that they are



innocent and have falsely been implicated in the aforesaid case as there is some land dispute between the parties and the informant's mother has filed an appeal against the order of Land Reforms Deputy Collector, Barsoi before the Commissioner, Purnea. It is further submitted that the injury report does not specify injury on the vital part of the body and simple in nature. Hence no case is made out under Section 307 IPC. He submits that the petitioner no.3 has no criminal antecedent whereas other petitioners have one case prior to the present one, which has been lodged by the mother of the informant.

Learned A.P.P. submits that the petitioners are named in the FIR, hence, opposes the prayer for bail.

Be that as it may since the injuries have been found to be simple in nature, there is land dispute and other cases have been lodged by the informant side, let the above named petitioners, in the event of their arrest/surrender in the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- IV, Katihar, in Kadwa P.S.Case No. 84 of 2016,subject to the conditions as laid down u/s 438(2) Cr.P.C.

It is, however, made clear that one of the bailors would be a relative of the petitioners and other bailor should have sufficient immovable property within the jurisdiction of police station and that the petitioners should appear before the police/court as and when required and their failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

singh/-

U		T	
---	--	---	--