

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25640 of 2016

Arising Out of PS.Case No. -190 Year- 2015 Thana -GOPALPUR District- PATNA

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1. Upendra Kumar Yadav @ Upendra Yadav aged about 45 years, Son of Late Radhey Shyam Singh
 2. James Kumar aged about 22 years, Son of Upendra Kumar Yadav @ Upendra Yadav,
 3. Rangin Ronald, aged about 21 years Son of Upendra Kumar Yadav @ Upendra Yadav,
 4. Ganesh Kumar, aged about 31 years.
 5. Santosh Kumar aged about 34 years
 6. Om Prakash Kumar aged about 29 years, All Sons of Ashok Singh
 7. Kapildeo Singh aged about 70 years, son of Late Gauricharan Singh
 8. Dharamveer Kumar aged about 38 years, Son of Ambika Singh All Resident of village Uddaini, P.S. Gopalpur, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2016 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under sections 323, 324, 341, 342, 504, 307, 379, 447, 448/34 of the Indian Penal Code and section 27 of the Arms Act.

Prosecution case is that nine persons including the petitioners came variously armed and started abusing the informant. On protest being made, co-accused Arvind Yadav assaulted the brother of the informant, Prakash Yadav, with sword



causing cut injury on his head. Thereafter petitioner no.1 Upendra Kumar Yadav and petitioner no.3 Rangin Ronald caught hold of the brother of the informant and petitioner no.2 James Kumar fired causing injury on his head. Thereafter all the accused persons assaulted indiscriminately by lathi to the informant. Ganesh Kumar and Santosh Kumar, petitioners no. 4 and 5, took away the Laptop from the house.

It is submitted by the learned counsel for the petitioners that the brother of the informant received only one lacerated injury on right side of the forehead caused by Arvind Yadav (non-petitioner), though opinion has been kept reserved for the same. The injury report of the brother of the informant does not corroborate the accusation as the petitioner James alleged to have caused fire arm injury but no such injury has been found. The petitioners and the informant are agnates and in the background of land dispute accusation has been levelled. There is nothing on record to suggest that any injury was caused to the informant. All the petitioners except petitioner no.3 are accused in one another case but they are on bail.

Considering the nature of accusation, the medical opinion does not corroborate the accusation, let the petitioners, abovenamed, in the event of their arrest or surrender before the

court below within a period of twelve weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna in Gopalpur P.S.Case No. 190/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Surendra/-

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