

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34386 of 2016

Arising Out of PS.Case No. -115 Year- 2016 Thana -TEGHRA District- BEGUSARAI

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Lallan Kumar Son of late Raj Narayan Kumar, Resident of Village /
Mohalla - Pidhauri, P.S. Teghra, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pravin Kumar, Advocate.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-10-2016

Heard both sides.

The petitioner apprehends his arrest in Teghra P.S.

Case No. 115/16 under Section 302 and other sections of the
Indian Penal Code.

The informant alleged that on 03.05.2016 his son
Sudhakar Rai, nephew Rajesh Rai @ Sukihdeo and a villager
Ramashray Singh were coming with husk. Mukesh Kumar,
Bhupesh Kumar, Bittu Kumar, Anil Kumar, Sonu Kumar, Suman
Kumar stopped the tractor and abused the son and the nephew of
the informant. The son and the nephew of the informant informed
the informant when they reached their house. Thereafter, at about
3:00 in the evening, the informant Ram Padarath Rai and his wife
Shobha Devi and brother Mohan Rai went to the Darwaza of Ram
Krishna Kumar to complain about the assault and abuse made by



the accused persons. All the accused persons were present there and they started assaulting in which Mohan Rai got injury on his head. It is further alleged that Mukesh Kumar, Bhupesh Kumar, Anil Kumar and Suman Kumar started indiscriminate firing. The firing made by Mukesh Kumar hit on the back of Shobha Devi, the wife of the informant. Thereafter, the accused persons fled away and took shelter in the house of Lallan Kumar (the petitioner). It is alleged that the accused persons in conspiracy with the petitioner committed the crime.

Learned counsel for the petitioner submits that the occurrence took place at 10:30 on 03.05.2016. The petitioner was not present at the site of the occurrence. The second occurrence took place at the Darwaza of Ram Krishna Kumar. The petitioner was also not present there. Both the occurrence took place between the informant and the accused persons on account of previous enmity. The name of the petitioner has been dragged in the case. Even during the course of investigation, no material to show that the petitioner ever conspired with any of the accused to commit such offence is collected.

Learned A.P.P. did not dispute the aforesaid fact.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned

court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Teghra P.S. Case No. 115/16, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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