

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54111 of 2016

Arising Out of PS.Case No. -140 Year- 2016 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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1. Jay Gopal Yadav @ Kara Gope, son of Jagdish Prasad,
 2. Harendra Kumar,
 3. Subodh Kumar, Both sons of Jaynarayan Yadav,
 4. Sudhir Kumar,
 5. Santosh Kumar,
 6. Braham Gope, All sons of Late Bilash Yadav,
 7. Baiju Gope @ Baiju Yadav, son of Bhishan Yadav,
 8. Rahul Kumar, son of Binda Prasad,
 9. Sudan Kumar @ Sudan Prasad, son of Binda Prasad, All residents of Village- Bhatbigha, Police Station- Hilsa, District- Nalanda.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anil Kumar Singh, Advocate

For the Opposite Party : Mr. Mukeshwar Dayal (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Hilsa P.S. Case No. 140 of 2016, registered for the offences punishable under Sections 147, 148, 149, 447, 324, 323, 307, 380, 504 of the Indian Penal Code and Section 27 of Arms Act.

Allegedly, co-accused Satan Yadav, the petitioners and other F.I.R. named accused persons went at the house of the informant, abused and Satan demanded Rs. 50,000/- as ransom otherwise threatened to kidnap and kill him and for that



information was given to the police officers and then for sometime the accused persons remained silent, but again started demanding the ransom. Satan Yadav opened fire which did not hit and all the accused persons were armed with pistol and all opened fire 5-6 round, Satan Yadav gave *Chhura* blow on left leg and all assaulted with the *butt* of pistol on whole body and after entering into the house Harendra Kumar snatched ear ring of the wife of the informant and Jitendra Kumar snatched golden chain and all accused persons took away utensils and after causing threats they went away.

Submission is of false implication and that there is no specific allegation against petitioners, allegation under section 380 of the Indian Penal Code is super addition, from bare perusal of the First Information Report, it reveals that the allegation made therein are not reliable and due to old enmity the petitioners and others have been implicated. Before the occurrence Bebi Devi wife of Binay Kumar lodged a case against the present informant and others vide Hilsa P.S. Case No. 427 of 2014 and another Complaint Case No. 199C of 2016, no occurrence as alleged has taken place and only on vague and manufactured story the case has been lodged, no fire arm injury has been found on the person of the informant or any one, offence under section 307 of the



I.P.C. is not made out and so far as section 380 of the I.P.C. is concerned that is super addition, section 27 of the Arms Act is also not applicable as the allegation of firing is concocted and false and, as such, petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering the old enmity between the parties the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 2nd, Hilsa, in connection with Hilsa P.S. Case No. 140 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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