

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41875 of 2016

Arising Out of PS.Case No. -136 Year- 2016 Thana -BARAULI District- GOPALGANJ

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1. Firoz @ Firoz Alam
2. Rustam @ Rustam Ali Both s/o Late Md. Nasim Residents of village-
Balhan, Police Station - Barauli, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 17-10-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners, namely, Firoz @ Firoz Alam and Rustam
@ Rustam Ali apprehend their arrest in connection with Barauli
P.S. Case No.136 of 2016 under Sections 341, 324, 307, 379,
504/34 I.P.C.

According to the prosecution case, the accused persons
with intention to kill the informant gave knife blow on the lip of
the informant and they took away Rs.50,000/- from the pocket of
the informant

The learned counsel for the petitioners submitted that
there is dispute between both the parties in connection with fixing
electric poll on the road which is between the house of both the

parties and because of that dispute the petitioners have been falsely implicated. According to the learned counsel, in fact Section 307 I.P.C. is not at all applicable as had the petitioners intended to kill the informant, they would have very well killed him instead of giving cut injury on the lip of the informant and taking away Rs.50,000/-. The nature of allegation described in the F.I.R. itself shows that it is fabricated.

Perused the injury report.

The injury report shows that the report has been prepared on 13.07.2016 whereas occurrence is dated 06.07.2016. From perusal of the report, it appears that petitioner no.2 is a handicapped person.

Considering the above facts and circumstances of the case and the nature of allegation I direct both the petitioners named above to surrender before the court below within one month from today and on their so surrendering they 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 Chief Judicial Magistrate, Gopalganj in connection with Barauli P.S. Case No.136 of 2016.

Harish/-

(Mungeshwar Sahoo, J)

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