

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33546 of 2016**

Arising Out of PS.Case No. -71 Year- 2011 Thana -BANGAON District- SAHARSA

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1. Nishi Kant Kumar, son of Sri Pramod Khan  
2. Rajni Kant Kumar, son of Sri Pramod Khan  
3. Roshan Kumar Khan @ Roshan @ Roshan Kumar, son of Abhyanand Khan  
All are resident of village- Bangaon, P.S.- Bangaon, District- Saharsa.  
..... Petitioners

Versus

1. The State of Bihar ..... Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra  
For the Opposite Party/s : Mr. Sri Binod Kumar 2

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

2      20-08-2016                      Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Bangaon P.S. Case No. 71 of 2011 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 379 of the Indian Penal Code and Section 27 of the Arms Act.

On behalf of petitioners it is submitted that the petitioners have been implicated falsely, there is case and counter case, admittedly, there is land dispute, the petitioners have filed Bangaon P.S. Case No. 70 of 2011 under Section 307 IPC and this case is the counter blast of that case, there is general and omnibus allegation against the petitioners. On the person of the informant only two abrasion have been found which are simple in nature

caused by hard and blunt substance vide annexure 2, there was no intention and the occurrence took place at the spur of moment, no offence under Section 307 IPC is made out and the allegation of theft is super addition.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that only two abrasions have been found on the person of the informant which are simple in nature, there is case and counter case, the petitioners above named, in case of their surrender or arrest within one month from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Bangaon P.S. Case No. 71 of 2011, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Jitendra Mohan Sharma, J)**

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