

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33531 of 2016

Arising Out of PS.Case No. -133 Year- 2016 Thana -BUXAR MUFFSIL District- BUXAR

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1. Ram Bhajan Singh S/o Late Shiv Kumar Singh
2. Rupa Singh @ Rupa Prasad Singh son of Rambhajan Singh
3. Goralal Yadav @ GoreLal Yadav Son of Ram Pujan Yadav
All the three resident of village- Pawani, P.S.- Buxar Muffasil District - Buxar
4. Amit Yadav @ Amit Kumar Singh son of Nandjee Yadav resident of Village- Marai, P.S.- Buxar Muffasil, District- Buxar
5. Kapil Yadav son of Nagina Yadav Resident of Village- Nawagaon, P.S.- Buxar Muffasil, District- Buxar

.... Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar
For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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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 Buxar (M) P.S. Case No. 133 of 2016 registered for the offences punishable under Sections 147, 148, 149, 447, 323, 324, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act.

On behalf of petitioners it is submitted that they have been implicated falsely only with intention to obstruct the winning candidate from taking oath of Mukhiya, the prosecution story appears not probable and reliable, no offence under Section 307 IPC is made out, as alleged in the FIR itself no firearm injury was caused to anyone rather due to broken piece of ceiling

Mukesh Kumar Singh, Abhimanyu Kumar Singh and others received injury, It is further alleged that Mukesh was assaulted by Gorelal Yadav. The injury report of Abhimanyu Singh and Mukesh Kumar Singh vide annexure 2 series go to reveal that simple injury was found which are abrasion caused by hard and blunt substance and as such the petitioners deserve sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that five empty cartridges were found at the place of occurrence.

In the facts and circumstances stated above, considering the injuries found on the person of Mukesh Kumar Singh and Abhimanyu Singh which are only abrasion and simple in nature, 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 Additional Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 133 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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