

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33043 of 2016

Arising Out of PS.Case No. -66 Year- 2016 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

- =====
1. Rahul Kumar
 2. Sonu Kumar Both are sons of Surendra Sah Resident of Village- Panditpur, P.S. Rajgir District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate,
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

learned A.P.P. for the State.

Petitioners apprehend their arrest in connection

with Rajgir P.S. Case No. 66 of 2016 registered for the offence

punishable under Section 307 and other allied sections of the

Indian Penal Code.

The prosecution case, in brief, is that on

25.03.2016 at about 11:00 P.M. while the informant was returning

home after seeing *Matka Utsav* and reached near Middle School,

Panditpur, FIR named accused persons and 3-4 unknown accused

persons having armed with various arms started abusing and

thereafter assaulted him. Accused Surendra Sah assaulted the

informant with axe causing injuries on his head, Sonu Kumar assaulted him with the butt of pistol, Rahul Kumar assaulted with the iron rod on his head and Anita Devi assaulted with *lathi*.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and have falsely been implicated in the aforesaid case. He submits that both the parties are on inimical terms and there is some money dispute between the parties for which a counter case has been lodged by the petitioners' side bearing Rajgir P.S. Case No. 84 of 2016. He further submits that although the date of incident is 25.03.2016, but the First Information Report has been lodged on 06.04.2016 and no plausible explanation has been given for such inordinate delay. As per the injury report, Annexure-2 to this application, injuries caused on the person of the informant have been found to be simple in nature and that petitioner has no criminal antecedent, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on

bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 66 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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