

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 54265 of 2015

Arising Out of PS.Case No. -467 Year- 2015 Thana -BIHTA District- PATNA

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1. Pappu Kumar Singh
2. Chhotey Kumar @ Chhotey Kumar Singh Both sons of Late Birendra Singh Resident of Village - Ramubigha, P.S. - Bihta, District - Patna
..... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Vijay Kumar Singh, Advocate
For the Opposite Party : Mr. Shailendra Kumar-II (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-03-2016 A supplementary affidavit has been filed on behalf of the petitioner and same be kept on record.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Bihta P.S. Case No. 467 of 2015 instituted under Sections 147, 148, 149, 452, 341, 323, 324, 326, 504, 506, 427, 379, 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per FIR the prosecution case is that on 26.06.2015 at about 8:15 A.M., all accused persons being armed with weapons came at the house of the informant and started abusing then the informant protested thereafter Suresh Yadav, Nand Lal Yadav, Naresh Yadav started indiscriminate firing by rifle and country made gun for killing them and others are assaulted with lathi, danda and bricks which caused injury in right side and Nand Lal Yadav has made firing from gun to cause injury of father of the informant from gun. Causin brother Raju

come to safeguard them on which petitioner No.2 and others were caught and assaulted by the Butt of pistol on which his teeth were broken and Subedar Yadav and Jamadar Yadav had snatched the golden Chandrama and petitioner No.1 had also made firing but that did not hit on which they fled away in the house of Sunil but they also came and blew the lathi, danda and bricks and broke the roof of the house and when villagers assembled, the accused persons fled away.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. No specific injury has been attributed against the petitioners. From perusal of the injury report it is evident that nature of injury is simple. Hence, no offence under section 307 of the Indian Penal Code is made out.

On behalf of the State, it is submitted that petitioners are named in the FIR.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Danapur, Patna in connection with Bihta P.S. Case No. 467 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J.)

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