

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8537 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -SONBERSA District- SITAMARHI

1. Dr. Pawan Kumar son of Satya Narayan Rai R/o Village- Hanuman Nagar, P.S. Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. R.P.S.Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 447, 458, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that on 13.09.2015 at 11.00 P.M. the informant was walking after taking dinner at 12.30 P.M., when he came back to his door he saw 20-25 accused persons entered in his house in order to rob the informant. Co-accused Satya Narayan Rai, Rajiv Kumar and this petitioner resorted to fire on the informant, but did not cause any injury. Raj Kumar shot fire on the father of the informant, causing injury on his right shoulder.

It is submitted by the learned counsel for the petitioner that petitioner is agnate of the informant. Title Suit No. 74 of 2001 by the grand father of the present informant, wherein the father of the petitioner is defendant, was decreed on 30.09.2015 in favour of petitioner, hence as a retaliatory measure the present case has been lodged. The injury report of the informant and his father do not suggest any grievous injury on both of them. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. Moreover the parents of the informant, in their statement under Section 164 Cr.P.C. have not named the petitioner.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 149 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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