

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43843 of 2015

Arising Out of PS.Case No. -83 Year- 2015 Thana -NOKHA District- SASARAM (ROHTAS)

- =====
1. Jugul Singh @ Yugal Singh, S/o Ramesh Singh,
 2. Amit Kumar @ Amit Singh, S/o Kamta Singh,
- All R/o Village + P.O. - Krishnapur, P.S. - Nokha, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate

For the Opposite Party/s : Mr. Sanjay Kr. Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-02-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Nokha P.S. Case No. 83/15 for offences alleged under Sections

147, 148, 341, 323, 324, 379, 342 of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case, as alleged by the informant

Manoj Kumar Singh, is that on 02.05.2015 he was going to his

village Kishanpur from Nokha. When he reached near village

Ghoshiya he saw several miscreants including the petitioners

sitting with various arms. The accused persons snatched Rs.

25,000/-, gold chain and mobile from the informant. It is alleged

that Amit Kumar Singh caught hold the informant and co-accused

Yugal Singh assaulted with sharp cutting weapon on his head.

It has been submitted by the learned counsel for the petitioner that there is a land dispute between both sides and the petitioners have no criminal antecedent, as is evident from Paragraph 3 of this petition. It has further been submitted by the learned counsel for the petitioners that the present case has been lodged maliciously to save skin from the earlier case lodged by the brother of petitioner no. 1 against the informant's brothers i.e. Nokha P.S. Case No. 82/15 wherein petitioner no. 2 and father of petitioner no. 1 have been seriously assaulted by the informant's family sustaining grievous injury. Furthermore, it is submitted that the present case has been lodged on 03.05.2015 for the occurrence dated 02.05.2015 at 7.00 P.M. wherein the First Information Report has been registered at 8.30 P.M. on 03.05.2015 but the same reached the court of learned Sub-Divisional Judicial Magistrate, Bikramganj on 05.05.2015, which suggests that the First Information Report was registered by antedating.

Learned APP, on the other hand, refers to Paragraph 19 of the case diary, which is the injury report on the person of Manish Kumar.

Since the injury report does not specify grievous injury and delay in reaching the First Information Report to the

Court, let petitioners, named above, in the event of their arrest or surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas at Sasaram, in connection with Nokha P.S. Case No. 83 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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