

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48268 of 2015

Arising out of PS.Case No. -87 Year- 2015 Thana -RAJPUR District- EAST
CHAMPARAN(MOTIHARI)

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- 1. Shankar Prasad, son of Late Nand Kishore Prasad.
 - 2. Raj Kishore Prasad, son of Stahu Bhagat.
 - 3. Shambhu Prasad, son of Ganaur Bhagat.
 - 4. Sheo Pujan Prasad, son of Late Nand Kishore Prasad.
 - 5. Asharfi Prasad, son of Ram Sevak Bhagat, resident of village Sidhawalia,
Police Station - Rajepur, District - East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anil Kumar, Advocate.
For the Opposite Party : Mr. Nawal Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are apprehending their arrest in connection with Rajepur P.S. Case No. 87 of 2015 for the offences instituted under Sections 341, 323, 325, 379, 504, 506/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 17.06.2015 at about 6.30 P.M., when the informant was returning from Salempur market with his wife Usha Devi and when they reached near the orchard of Shankar Prasad of Sidhwaliya village, then all the petitioners started abusing and on protest, petitioner no. 1 ordered

to kill them then Raj Kishore Prasad broken both leg and hand of the informant inflicted Lathi blow. When the wife of the informant came to rescue then petitioner Shambhu Prasad assaulted her with fist and slaps, petitioner Sheo Pujan Prasad pointed country made pistol on her breast and threatened to kill her, petitioner no. 5 Asharfi Prasad snatched her chain from her neck which is worth Rs. 25,000/-.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners and the informant are close agnates. As per prosecution case, the petitioners are said to have taken Rs. 25,000/- from possession of the informant. It has further been submitted that the petitioners are ready to deposit an amount of Rs. 25,000/- jointly in the court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioners shall deposit an amount of Rs. 25,000/- jointly in the court below which shall be subject to final disposal of the case and on doing so, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from

today in connection with Rajepur P.S. Case No. 87/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Sadar at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)