

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31393 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

- =====
1. Jayram Yadav, son of Ram Lagan Gope, resident of village-
Atwalchak, P.S. Tharthari, Dist.- Nalanda
 2. Rajesh Kumar, s/o late Rajdeo Gope, resident of village-
Kathanpura, P.S. Noorsarai, Dist.- Nalanda

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Birendra Kumar, Advocate
For the State : Mr. Zainul Abedin, A.P.P.
For the informant : Mr. Rakesh Kumar Sharma, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 22-08-2016

It is contended on behalf of the petitioners that petitioner no.1 has been taken in custody and, as such, this application has become infructuous so far he is concerned.

Accordingly, this application stands dismissed as having become infructuous as against the petitioner no.1.

Heard learned counsel for the petitioners, State as well as the informant.

Petitioner No.2 apprehends his arrest in a case filed under Sections 447, 504, 506, 307, 385, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegation, petitioner no.1, Jayram Yadav was forcing informant to transfer the land in his favour but when

it was not done, he along with the petitioner no.2 who is his nephew (Bhagina) came to his house and started abusing him. At the first instance, Jayram Yadav fired from the pistol then the informant came inside the boundary. Thereafter, petitioner nos.1 and 2 fired twice and, when the people of that locality assembled at the place, they fled away.

It is contended that allegation of firing first time is upon the informant is against petitioner no.1, who has already been taken in custody and so far petitioner no.2 is concerned, he has merely been made accused as he happens to be the "Bhagina" of the petitioner no.1. It is also urged that had there been any intention to hurt the informant, they could have easily done if the firearms were in their hand but no injury has been caused. Lastly, it is claimed that petitioner no.2 is having clean antecedent.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of six weeks from today in Tharthari P.S. case no.63/2016, the petitioner no.2, Rajesh Kumar shall be released on bail on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of A.C.J.M., Hilsa, Nalanda subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure with

a further condition that one of the bailors of the petitioner must be the close relative or his family member, who will file affidavit before the court below giving full genealogy showing his or her relationship with the petitioner. Further, if the petitioner, after his release in this case, is again found to be involved in criminal case of similar nature, the court concerned would be at liberty to take steps for cancellation of his bail bonds.

The informant would be at liberty to bring the aforesaid fact to the notice of the court below.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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