

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34937 of 2016**

Arising Out of PS.Case No. -104 Year- 2016 Thana -CHATOUNI District-  
EASTCHAMPARAN(MOTIHARI)

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Ravi Prakash Son of Om Prakash Thakur Resident of Mohalla- Agarwa,  
P.S. Town Motihari, Dist East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ansul, Advocate  
Mr. Anuj Kumar, Advocate  
For the Opposite Party/s : Mr. Murli Dhar, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      07-09-2016      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with  
Chhatauni P.S. Case No. 104 of 2016 registered for the offence  
punishable under Sections 307 and 120(B)/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on  
29.04.2016 at about 7:45 P.M. while the informant along with his  
family members were in the house, six accused persons on three  
motorcycles came there, out of them, he identified the FIR named  
accused persons. Accused Om Prakash Thakur asked about Laddu,  
on which wife of the informant replied that Laddu is not present in



the house. Thereafter, accused persons attempted to break the gate of the house, to which informant's side protested. Seeing the father of the informant, accused Om Prakash Thakur ordered to shoot him and other family members. On this, accused Ravi Prakash and accused Raj Kumar Mahto indiscriminately fired, which hit the thigh of the informant's wife, Afsana Khatoon causing injury, as a result of which she fell down. On alarm being raised by the informant and his family members, accused persons fled away.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in the aforesaid case. He submits that the present First Information Report has been lodged on 30.04.2016 of an occurrence dated 29.04.2016, but the petitioner had instituted a case, bearing Chhatauni P.S. Case No. 98 of 2016 against the informant's son, Laddu on 20.04.2016 alleging that he indiscriminately fired upon the petitioner. He submits that the injury has been caused on non-vital part of the body. He also submits that petitioner does not have any criminal history, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes

the prayer for bail.

Be that as it may, since there is a case lodged by the petitioner prior to the institution of the present First Information Report, which shows enmity between the parties, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Chhatauni P.S. Case No. 104 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Nilu Agrawal, J.)**

Arjun/-

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