

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33972 of 2016

Arising Out of PS.Case No. -94 Year- 2014 Thana -CHANAN District- LAKHISARAI

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1. Vikash Mandal Son of Late Ramjee Mandal
 2. Ranjit Mandal Son of Rajendra Mandal
 3. Govind Mandal Son of Sanatani Mandal
 4. Guli Mandal Son of Dukhi Mandal
 5. Bittu Mandal Son of Garib Mandal All are residents of Village Reuta,
P.S.- Chanan, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection
with Chanan P.S. Case No. 94 of 2014 registered for the offence
punishable under Sections 307, 379 and other allied sections of the
Indian Penal Code as well as Section 27 of the Arms Act.

The prosecution case, in brief, is that on
14.11.2014 at about 3:30 P.M. while the informant reached near
hut of Sunil Mandal, all of a sudden nine named accused persons
including the petitioners having iron rod and pistol came there and
on the order of co-accused Subodh Mandal, they assaulted the

informant by means of rod and when informant tried to escape, all accused persons made firing, but the shot fired by accused Subodh Mandal hit the informant, as a result of which he fell down and thereafter all the accused persons fled away.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and have falsely been implicated in the aforesaid case due to previous enmity as they are own relatives and earlier petitioner no.1, who is full brother of the deceased Satish Kumar and informant's uncle, had lodged a case, bearing Chanan P.S. Case No. 58 of 2014 in which full brother of the informant, Manoj Mandal and co-accused Baue Lal Rai are in custody. It has further been submitted that no case under Section 307 of the Indian Penal Code is made out, as the allegation of firing is on co-accused, Subodh Mandal and the injuries caused by the petitioners are by hard and blunt object and except injury no.6, which is on the right lower leg, all are simple in nature. He submits that the petitioner have no criminal history, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioners, named above,

in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Lakhisarai in connection with Chanan P.S. Case No. 94 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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