

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40274 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

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Harihar Prasad Singh Son of late Ramchandra Singh Resident of Village:
Bajitpur, Police Station- Harnaut in the district of Nalanda Presently
residing at Nalanda More, Police Station- Nalanda in the District of
Nalanda.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Nalanda P.S. Case No. 55 of 2016 registered for the offence
punishable under Section 307 and other allied sections of the
Indian Penal Code.

The prosecution case, in brief, is that on
07.05.2016 at 12:00 Noon while the informant along with his
family members was sitting in his house, petitioner along with
other co-accused persons armed with pistol, iron rod and bricks-
stones, came and fired from his pistol but fortunately the same did
not hit the informant and when informant tried to flee away, co-



accused, Ravi Singh and Meena Devi caught hold of him and this petitioner gave butt blow on his head causing ruptured injury. Thereafter, co-accused Ravi Singh gave iron rod blow on the head of the informant but he stopped the same by his hands, as a result of which his hands got injured. Other co-accused persons also assaulted the informant and his wife. It is further alleged that petitioner snatched Rs. 25,000/- and co-accused Meena Devi took away golden chain and fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that petitioner has no criminal history, as is evident from paragraph 3 of this application and that both the parties are in-laws (Samdhi) having married their son and daughter respectively. He submits that the injuries caused by the petitioner on the person of the informant have been found to be simple in nature and there is no repetition of blow from the petitioner. He submits that a counter case, bearing Nalanda P.S. Case No. 54 of 2016 regarding the same occurrence has been lodged prior to the present First Information Report.

However, learned counsel appearing on behalf of the informant submits that although the injuries have been found to be simple in nature, but the same has been caused on the head

of the informant, which is a vital part of the body, hence, opposes the prayer for bail. He further admits lodging of counter case, bearing Nalanda P.S. Case No. 54 of 2016 against the informant's side and that they are in-laws.

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 the petitioner has no criminal history and both the sides are in-laws and there is case and counter case, 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, Nalanda at Biharsharif in connection Nalanda P.S. Case No. 55 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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