

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26548 of 2017

Arising Out of PS.Case No. -67 Year- 2016 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Upendra Sah
2. Jitendra Sah Both Sons of Pasuram Sah
3. Baban Sah Son of Late Nagina Sah All Resident of Village-Marwa, P.s.
Baikunthpur, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Tiwary

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 13-07-2017 Heard learned counsel for the petitioner, and the

learned counsel representing the State.

The petitioner apprehends his arrest in connection with Baikunthpur P.S Case No. 67 of 2016 registered for the offences punishable under Sections 147, 148, 149, 337, 307, 379, 380, 427, 504 and 506 of the Indian Penal Code.

In the First Information Report, the allegation against the petitioners is that they along with Rangila Sah and Mukesh Singh entered into the shop of informant. Petitioner no. 3 started dragging him after roping scarf in his neck and further against petitioner no. 2 there is allegation that he and Haresh Singh fled away with two cycles of the shop.



Submission is of false implication and that no offence under Section 307 IPC is made out against the petitioners. Specific allegation is against co-accused Parshuram Sah and Lallan Sah of assaulting with knife and spear to the informant. Due to election rivalry, occurrence has taken place, there was no intention to commit murder and, as such, petitioners deserve sympathetic consideration.

Learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of the order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Baikunthpur P.S. Case No. 67 of 2016 subject to the conditions as laid down in Section 438(2) of the Cr.P.C..

(Jitendra Mohan Sharma, J)

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