

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18902 of 2017

Arising Out of PS.Case No. -89 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Rajan Kumar Son of Sheo Shankar Gupta.
 2. Kanhaiya Sah @ Kanhaiya Kumar Son of Kishori Sah.
 3. Raja Sah @ Raja Kumar Son of Dhrup Sah.
 4. Chhotu Sah Son of Dhrup Sah.

All are Resident of Near T.P. Verma College, Purani Bazar,
Narkatiaganj, Police Station- Shikarpur, District- West Champaran.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioners : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party : Mr. Sri Satyendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

02 15-06-2017

Heard learned for the petitioners and learned A.P.P.

for the State.

The petitioners apprehend their arrest in Shikarpur
P.S. Case No.89 of 2015 registered under Sections 147, 148, 149,
323, 302, 325, 307, 506, 509 and 120-B of the Indian Penal Code.

As per the prosecution case, all the accused persons
named in the F.I.R. forming an unlawful assembly descended on
the medicine shop of the informant and accused Ravi Kumar and
Dhrup Sah assaulted the informant's son by means of rod leading
to his death.

It has been submitted by learned counsel for the
petitioners that the petitioners are innocent persons and has been
falsely implicated in this case. It has also been submitted that the



- 2 -

petitioners were not sent up by the police but, subsequently, learned Chief Judicial Magistrate took cognizance of the offence against the petitioners as well. The petitioners do not happens to be the assailants rather the assailants are Ravi Kumar and Dhruv Sah, who have been acquitted by the learned Sessions Judge, West Champaran at Bettiah after trial. It is further submitted that the allegations levelled against the petitioners are not specific rather it is general and omnibus in nature.

Considering the facts aforesaid and the nature of allegation as made against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs.10,000.00 (Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in Shikarpur P.S. Case No.89 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prakash Chandra Jaiswal, J.)

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