

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32713 of 2017

Arising Out of PS.Case No. -176 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

- =====
1. Gaurav Kumar, S/o Indra Mohan Prasad.
2. Indra Mohan Prasad, S/o Late Hari Bhushan Prasad, R/o Village Mohanpur, P.S. Muffasil, Distt - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate.

For the Opposite Party/s : Mr. Sri Indra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 10-08-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Samsatipur Muffasil P.S. Case No. 176 of 2017 registered under Sections 341, 323, 307 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation of informant is that he sold his land to co-accused, Saurav Kumar, and Rs. 5,000/- was due against him. Thereafter, the informant used to visit at the house of Saurav Kumar for giving Rs.5,000/- then both petitioners came in touch of the informant and started to give pressure to execute the sale deed in respect to road side land but the informant refused. On



14.08.2015, while he was returning to his house from the market then in the way, both petitioners along with Durga Das and Biru Das asked the informant to stop the motorcycle and started to abuse him and assaulted through fist and slaps. Thereafter, on the order of petitioner no. 1, Durga Das shot fire at the informant causing injury at his right shoulder. Thereafter, all accused persons fled away.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioner no. 1 is only order giver and no specific overt act has been attributed against the petitioner no. 2, only it is stated that this petitioner asked to Saurav Kumar to hand over the pistol to Durga Das, who is said to be fired at the informant. Further submission is that while the occurrence is said to be taken on 14.08.2015 but the informant lodged the complaint case on 29.08.2016 in the court of Chief Judicial Magistrate, Samastipur, which is the basis of F.I.R.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial



Magistrate-V, Samastipur, in connection with Samsatipur Muffasil
P.S. Case No. 176 of 2017, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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