

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43999 of 2017

Arising Out of PS.Case No. -166 Year- 2017 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

- =====
1. Chinta Devi, Wife of Indradeo Ravidas,
 2. Mantul Ravidas @ Vijay Ravi Das @ Vijay Kumar, Son of Indradeo Ravidas, Both residents of Village- Ranipur, P.S.- Islampur, District- Nalanda (Biharsharif).

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Puspanjali Sharma, Advocate

For the Opposite Party : Mr. Sri Ashok Kumar Singh 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners apprehend their arrest in connection with Islampur P.S. Case No. 166 of 2017, registered for the offences punishable under Sections 341, 323, 504, 506, 307/34 of the Indian Penal Code.

Allegedly, the petitioners and co-accused with an intention to kill the wife of the informant assaulted her with *butt* of the pistol and iron rod. Mantul Ravidas the petitioner no.2 was having pistol whereas other co-accused Santul, Tulli, Budhdeo were having rod.

Submission is of false implication and that there is nothing in the F.I.R. to show that the Chinta Devi was assaulted



with any weapon and further Mantul Ravidas armed with pistol, but he has not fired and allegedly the *butt* of the pistol was used with goes to show the intention of the petitioners and as, such, no offence under Section 307 of the I.P.C. is made out and rest sections are bailable and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that as many as six injuries have been found on the person of the wife of the informant and most of the injuries are on the head that is vital part of the body.

In the facts and circumstances as stated above, considering that against **petitioner no. 1. Chinta Devi** there is no allegation that she was armed with any weapon and, as such, in the event of her arrest or surrender within four weeks from the date of receipt/production of a copy of this order **shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand)** with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Hilsa, Nalanda, in connection with Islampur P.S. Case No. 166 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

So far the **petitioner no.2 Mantul Ravidas @ Vijay**



Ravi Das is concerned against him there is specific allegation of assaulting with *butt* of the pistol and, as such, I am not inclined to grant privilege of pre-arrest to him and accordingly his such prayer stands **rejected**.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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