

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54038 of 2017

Arising Out of PS.Case No. -431 Year- 2015 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Shankar Prasad @ Shankar Sah son of Late Chhathu Sah, resident of Indira Chowk, Naya Tola Bettiah, Police Station- Bettiah Town, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

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

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 13-11-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bettiah Town P.S. Case no. 431 of 2015, registered under Sections 147, 148, 149, 323 and 307 of the Indian Penal Code.

The accusation is that eight persons named in the F.I.R. including the petitioner attacked on Abdul Kalam Johari and Abdul Sakil, father and brother of the informant and caused injury to them. At the intervention of the mohalla people, all the accused persons fled away from there, when informant along with other villagers rushed for treatment to his father and brother and reached at hospital after giving information to the Police Station then they were surrounded by the said peoples boarding on the car. At that time, Gita Devi got down from the car and ordered to kill the brother and father of the informant. Thereafter, all the named accused started catching the brother and



father of the informant, but on raising alarm the villagers started reaching there. In the meantime, Vikash Kumar and Awakash Kumar caused injury to the father of the informant at his head through brick. Thereafter, Tarun Kumar and Nand Kishore started causing assaulted through iron rod at the father of the informant in which he sustained grievous injury, when Sakil, brother of the informant, tried to rescue his father then he was also assaulted by them.

Learned counsel for the petitioner submits that while the petitioner is named in the F.I.R., but no specific overt act has been attributed against the petitioner. After investigation, the Police submitted Final Form against petitioner, Nand Kishore Gupta and Abhinav, but the Chief Judicial Magistrate took the cognizance of the offence against them with other accused. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate-VII, Bettiah in connection with Bettiah Town P.S. Case No. 431 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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