

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2052 of 2017

Arising Out of PS.Case No. -61 Year- 2012 Thana -GAMAHARIYA District- MADHEPURA

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Ranjeet Kumar @ Ranjit Yadav @ Ranjit Kumar, S/o Fishilal Yadav,
resident of Village- Bara, P.S.- Sugaul, District- Supaul.

.... Petitioner.

Versus

1. The State of Bihar.
2. Ranjan Devi, D/o Dhaneshwari Ray, Resident of Village- Chikni Fulkaha (Ray Tola), P.S. Gamhariya, District- Madhepura.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Pawan Kumar, Advocate.

For the State : Mr. A.M.P. Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 09-08-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Gamharia P.S. Case No.61 of 2012 registered under Sections 147, 149, 447, 341 and 307 of the Indian Penal Code besides Section 27 of the Arms Act.

The allegation of the informant Ranjan Devi is that her marriage was performed with this petitioner before 10-12 years and she gave birth to two children but, thereafter, her husband (petitioner) performed remarriage and she was being tortured. In the night of 14.06.2012/15.06.2012, while she was sleeping at the



door of the house of her Naiher, at that time, she heard the sound, then she woke up and saw her husband Ranjeet Yadav (petitioner), Anandi Yadav, Sunil Yadav, Fishilal Yadav and Bahadur Yadav there. At that time, Anandi Yadav caught hold of her hand and this petitioner shot fire causing injury on her waist. Thereafter, the villagers gathered there and took her to the Sadar Hospital, Madhepura, for better treatment.

Learned counsel appearing on behalf of the petitioner submits that due to grudge, the informant has falsely implicated this petitioner, his brothers, cousin brother and father in this case. Further submission is that while it is alleged in the F.I.R. that the petitioner and other accused, named in the F.I.R., reached at the Mayka of the informant and this petitioner shot fire at her but none of the witnesses have stated about seeing the occurrence. In fact, the petitioner is military personnel and he was on duty since 01.06.2012 to 28.06.2012 at Dharangdhara, Gujarat, and during investigation, the Investigating Officer has also detailed about this fact in paragraph-68 of the case diary. It is further submitted that, on investigation, the police submitted the final form but the learned court below took the cognizance of the offence under Sections 498(A), 494, 326 and 307/34 of the Indian Penal Code besides Section 27 of the Arms Act, differing with the final form.



Moreover, both the sons born out due to the wedlock of the petitioner and the informant are studying at Saharsa.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, First Class, Madhepura, in connection with Gamharia P.S. Case No.61 of 2012, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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