

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35621 of 2017

Arising Out of PS.Case No. -2040 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

- =====
1. Daroga Patel, Son of Late Rakatu Patel,
 2. Shambhu Patel, Son of Late Rakatu Patel, Both resident of village-
Pujahan Patjirwa, P.S.- Srinagar Pujahan, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Surendra Mahto, son of Saryug Mahto, resident of village- Pujahan
Patjirwa, P.S.- Srinagar Pujaha, District- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Smt. Madhuri Lata

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Compliant Case No. 2040 (C) of 2012, registered under Sections 307,
504, 506, 149 of the Indian Penal Code.

The accusation is that on 31.08.2012, 08 persons named
in the complaint petition, including the petitioners, started to grab the
shop of Ramlal Mahto, cousin of the complainant, when complainant
Surendra Mahto, Ramlal Mahto and Pramod Mahto made protest then
Upendra Yadav fired causing injury at the complainant. At that time,
Gagandeo Yadav, Daroga Patel in one side whereas Upendra Yadav,
Sadhu Yadav were started firing on them in which Gagan Deo Yadav
sustained injury and died.

Learned counsel for the petitioners submits that, in fact,



in firing of the complainant and others Gagandeo Yadav, associate of the petitioners, sustained fire arm injury and died regarding which Shreenagar Pujha P.S. Case No. 106 of 2012 was instituted in which Police submitted Chargesheet and thereafter case was committed to the Court of Session numbered as S.T. No. 568 of 2013 in which complainant Surendra Mahto and six others were convicted and sentenced under Section 302 and other allied Sections of the I.P.C. by the Court of Addl. Sessions Judge-VI, Bettiah on 29.04.2016 and only to save the skin the complainant lodged the present case making false allegation due to killing of the Gagandeo Yadav in the firing of his associates. Further submission is that in the complaint petition the allegation of causing injury to complainant is against Upendra Yadav and not against the petitioners.

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 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 A.C.J.M.III, Bettiah, West Champaran in connection with Compliant Case No. 2040 (C) of 2012, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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