

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27892 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -NIMCHAKBATHANI District- GAYA

Kapil Mahato, S/o Bisheshwar Mahato, Resident of Village- Karu Bigha,
P.S.- Nimchak Bathani, District- Gaya.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

with

Criminal Miscellaneous No.27935 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -NIMCHAKBATHANI District- GAYA

Karu Kumar, S/o Deoraj Prasad, Resident of Village- Karu Bigha, P.S.-
Nimchak Bathani, District- Gaya.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

Appearance :

(In Cr.Misc. No.27892 of 2017):

For the Petitioner : Mr.

For the State : Mr.

For the Informant : Mr.

(In Cr.Misc. No.27935 of 2017):

For the Petitioner : Mr.

For the State : Mr.

For the Informant : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 23-06-2017 Both the aforesaid applications arise out of the same

P.S. Case bearing Nimchak Bathani P.S. Case No.34 of 2017

registered under Sections 307, 354(A), 379, 380, 427, 323, 325,

147, 148 and 149 of the Indian Penal Code besides Section 27 of



the Arms Act. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

The accusation is that the informant got possession over the land, which was forcibly taken in possession by this petitioner with the help of Magistrate, Circle Officer and police in compliance of the Court's order, on 22.03.2017. In the evening of 22.03.2017, all of sudden the firing was started by the mob of 30-40 persons including the petitioners. At that time, the mob also caused assault to the wife of the informant and his son as also his neighbour Bhanu Pratap and Punam Kumari, the daughter of Bhanu Pratap and also torn the blouse of Gaytri Devi, the daughter of the informant and snatched the gold chain from her neck. The mob also made firing upon Om Prakash Gupta, the elder son of the informant, but, anyhow, his life was saved. At that time, the informant identified 31 persons including the petitioners out of the mob.

Learned counsel appearing on behalf of the petitioners submits that while the petitioners are named in the F.I.R. but no specific overt act has been attributed to them. They can only be said to be the members of the mob. Further submission is that the similarly situated co-accused Vidyasagar Bharti has already been



granted bail by a Bench of this Court vide order dated 19.05.2017 passed in Criminal Misc. No.23621 of 2017. The petitioners having no criminal antecedent are in custody since 23.03.2017.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-X, Gaya, in connection with Nimchak Bathani P.S. Case No.34 of 2017.

(Rajendra Kumar Mishra, J)

P.S./-

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