

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5703 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -DEORIYA District- MUZAFFARPUR

- =====
1. Ram Sharan Sahni, S/o Indradeo Sahni,
 2. Nagendra Tiwary, S/o Ram Prasad Tiwary, Both R/o Village- Usti, P/S Paroo, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Deoriya P. S. Case No. 37 of 2017 registered under Sections 393 of the Indian Penal Code and 27 of the Arms Act.

It is submitted by the learned counsel for the petitioners that though the alleged date of occurrence is said to be 08.06.2017, the first information report was lodged on 20.06.2017. It is further submitted that the informant and the petitioner are residents of the same village and there are series of litigations between them from before. It is further submitted that the instant case has been instituted in view of long lasting enmity between the parties on account of passage. It is also submitted that in the FIR, the informant stated that the



miscreants opened fire as a result of which he sustained injuries, but he has not stated on which part of the body he sustained injury and from the impugned order, it would transpire that there is no injury report in the case-diary.

On the other hand, learned counsel for the State submitted that the delay was caused as the informant had sustained injury and was undergoing treatment at SKMCH, Muzaffarpur. He submitted that simply because the case-diary does not contain the injury report, the allegations made in the first information report cannot be doubted.

Be that as it may, taking into consideration the inordinate delay of 12 days in institution of the first information report, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge 3rd-cum- ACJM, 3rd (west), Muzaffarpur in Deoriya P. S. Case No. 37 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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