

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66295 of 2018

Arising Out of PS. Case No.-230 Year-2018 Thana- BIKRAMGANJ District- Rohtas

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1. Awadhesh Ram, Son of Late Wakil Ram,
 2. Sudhir Kumar, Son of Kamlesh Ram, Both resident of Village-
Ninga Kahuara, P.S.- Bikramganj, Dstrict- Rohtas.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Santosh Kumar Pandey, Advocate.
For the State	:	Mr. Ramchandra Singh, A.P.P.
For the Informant	:	Mr. Babu Nandan Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 307, 379/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 16.06.2018 at around 11 hours petitioner no. 1 Awadhesh Ram and co-accused Kamlesh Ram were digging and constructed on the purchased land of the informant, then on protest made by the him, all F.I.R. named accused persons having armed with *Rifle, Gun and Garasa* came there and co-accused Rakesh Kumar causing injury on the head of informant's daughter Niju Kumari aged about 17 years, who inflicting injury became fell down



unconscious. When Kunti Devi came to rescue then petitioner no. 2 Sudhir Kumar opened fire and assaulted on her head with country made *rifle* and she fell down. In the meantime, some accused persons causing injury to Kamla Devi. Thereafter, the informant and his family members showing illegal weapons in the hands of accused persons concealed themselves in the house. In the meantime petitioner no. 1 Awadhesh Ram opened firing taken away ear top of Kamla Devi and also threatened her.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 1, Bikramganj, Rohtas, in connection with Bikramganj P.S. Case No. 230 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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