

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24453 of 2018**

Arising Out of PS. Case No.-758 Year-2017 Thana- KHAGARIA District- Khagaria

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1. Rashmi Kumari @ Reshmi Kumari, W/o Sri Shushil Kumar
  2. Neelu Devi, W/o Sri Navin Kumar Sinha
  3. Navin Kumar Sinha
  4. Shambhu Sinha  
Both son of Late Pandey Pradeep Narayan.
  5. Pravat Kumar, son of Navin Kumar Sinha  
All Resident of Jail Prakash Nagar, P.S. Khagaria, District- Khagaria

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mr. Sada Nand Roy, Advocate  
For the Opposite Party : Smt. Asha Kumari (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**

ORAL ORDER

2     26-04-2018                      Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Khagaria P.S. Case No. 758 of 2017, registered for the offences punishable under Sections 323, 324, 307, 504, 506/34 of the Indian Penal Code and Section 27 Arms Act.

Allegedly, the petitioner Rashmi Kumari abused the informant and on protest, the petitioner Neelu Devi also started abusing the informant and thereafter the accused persons pelted stones on the railing of the house of the informant. The



police was informed by the informant who came and pacify the matter and went away. Soon thereafter at the instigation of the petitioners Rashmi Kumari and Neelue Devi, co-accused Ansu Kumar pointed out pistol upon the husband of the informant, and when the informant went there to save her husband, co-accused Ansu Kumar open firing which hit the knee of the informant. The accused persons also caused threats not to lodge the case otherwise they would kill her.

Submissions is of false implication and that due to land dispute and to save the skin from Khagaria P.S. Case No. 757 of 2017 filed by husband of the petitioner Rashmi Kumari this case has been lodged. There is no material of making case under Section 307 of the I.P.C. and Section 27 of the Arms act against the petitioners. The informant is a teacher and at the time and date of occurrence she was present at the school. Hence, the presence of the informant at the place of occurrence is not reliable and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail of the petitioners by submitting that at the instigation of petitioners no. 1 and 2, co-accused Ansu Kumar caused fir arm



injury to the informant and prayer of pre-arrest bail of Ansu Kumar has already been rejected vide Cr. Misc. No. 11880 of 2018.

In the facts and circumstances as stated above, considering the case of the petitioners on different footing than that of co-accused Ansu Kumar as against the petitioners, there is no allegation for causing any injury and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria P.S. Case No. 758 of 2017 (G.R. No. 3138 of 2017), subject to the conditions as laid down in section 438(2) of the Cr.P.C.

**(Jitendra Mohan Sharma, J.)**

Rajiv/-

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