

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14795 of 2019

Arising Out of PS. Case No.-265 Year-2015 Thana- ARA NAWADA District- Bhojpur

1. AMIT KUMAR Son of Vijay Mahto Resident of Village - Bindgawan, P.S.- Barahara, Distt - Bhojpur.
2. Indrajeet Mahto Son of Bipendra Mahto Resident of Village - Bindgawan, P.S.- Barahara, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 11-07-2019 Let the supplementary affidavits filed on behalf of the petitioners be kept on the record.

As prayed for by the learned counsel for the petitioners, in the light of the supplementary affidavits filed on behalf of the petitioners today, he is permitted to make necessary correction in the first paragraph and the prayer portion of this application within course of the day.

Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the complainant/informant.

The petitioners apprehend their arrest in connection with Protest-cum-Complaint Case No.1129C of 2018, arising from Ara Nawada P.S. Case No.265 of 2015 registered under Sections 147,



148, 149, 342, 302 and 506 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that in the morning of 16.07.2015, the informant Rajnish Kumar along with his brother Dinesh Kumar Singh was going to his Dera situated at Maulabagh after taking the milk from Ara Bus Stand on the motorcycle. When the informant reached at the gate of Maharaja College, then six persons, named in the F.I.R., including the petitioners and 3 unknown persons having pistol in their hands stopped them. Thereafter, Pawan shot fire at the brother of the informant which hit on his belly, due to which he fell down. At that time, Ravi Mahto shot fire at the chest of the brother of the informant. Indrajeet Mahto (petitioner no.2) shot fire which hit at the belly of the brother of the informant and Atul Mahto also shot fire which hit at his chest. Amit Kumar (petitioner no.1), Nagendra Mahto and one unknown also shot fire which hit on the other parts of the body of the brother of the informant.

Learned counsel for the petitioners submits that, in fact, the complainant/informant, only to put undue pressure upon the petitioners to compromise Koilwar P.S. Case No.60 of 2013, which was instituted against the complainant/informant and his brother under Section 302 of the Indian Penal Code, arrayed the petitioners in the accused column of the F.I.R. of the present case bearing Ara Nawada P.S. Case No.265 of 2015 along with four others and three unknown. On investigation, the police submitted the final form in



the aforesaid case on 25.11.2017 and, thereafter, the protest petition filed by the complainant/informant was treated as Complaint Case No.1129C of 2018. Further submission is that the both the petitioners, earlier, had no criminal antecedents but after lodging of the present case, the petitioner no.2 was made accused in Doriganj P.S. Case No.98 of 2019 in which he has already been granted the privilege of bail.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur, Ara, in connection with Protest-cum-Complaint Case No.1129C of 2018, arising from Ara Nawada P.S. Case No.265 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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