

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.14959 of 2019

Arising Out of PS. Case No.-392 Year-2018 Thana- MASHRAK District- Saran

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1. Sudarshan Ram, Son of Late Pyar Chand Ram, Resident of Village - Dumarshan, P.S.- Mashrakh, District - Saran at Chapra
 2. Sheopursan Ram, Son of Late Pyar Chand Ram, Resident of Village -Dumarshan, P.S.- Mashrakh, District - Saran at Chapra
 3. Niraj Ram @ Niraj Kumar Ram, Son of Sheo Prasad Ram, Resident of Village - Dumarshan, P.S.- Mashrakh, District - Saran at Chapra
 4. Dheeraj Ram, Son of Sheo Prasad Ram, Resident of Village - Dumarshan, P.S.- Mashrakh, District - Saran at Chapra
 5. Poonam Devi, Wife of Dinesh, Resident of Village - Dumarshan, P.S.- Mashrakh, District - Saran at Chapra
 6. Rakesh Ram, Son of Laxman Ram, Resident of Village - Shikri, P.S.- Mashrakh, District - Saran at Chapra at present Resident of Village -Dumarshan, P.S.- Mashrakh, District - Saran at Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chirgun Ram, Son of Kamleshwar Ram, Resident of Village - Dumarshan, P.S.- Mashrakh, District - Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-03-2019 Heard learned Counsels for the petitioners and



learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 354(B), 380 and 511/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the complaint petition filed by Chirgun Ram before the learned Chief Judicial Magistrate, Chapra, Saran is to the effect that on 14.10.2017 at about 4.00 P.M., when the informant was sitting near the door of his house, all the petitioners came variously armed and started abusing him. On protest being made by the informant, Sudarshan Ram (petitioner no.1) resorted to fire on the informant, which did not hit him. After hearing the gun shot, when nearby people came for rescue then Sheopursan Ram (petitioner no.2) assaulted Chandrika Ram with garasa, as a result his right ear got cut and Rakesh Ram (petitioner no.6) caught hold of the hair of Sheopati Devi and pushed her down on the ground and assaulted her with fists and legs. When the mother of the informant came to rescue, then she was assaulted with iron rod by Niraj Ram (petitioner no.3) on her head, as a result, she fell down. It is further alleged that Dheeraj Ram (petitioner no.4) and Poonam Devi (petitioner no.5) took away the utensils, clothes, jewelry



worth Rs.5000 and cash amount of Rs.20,000/- with them.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case merely on the basis of suspicion and the impugned order does not suggest that any injury report has been brought on record. It is further submitted that there is counter version of the occurrence being the Gram Kachari Case No.05 of 2017 filed by wife of petitioner no.1, Champa Devi filed an application before the Mashrakh Police Station against the informant and others,. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the fact that the impugned order does not suggest any injury report has been brought on record, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **ACJM-VIth**,



Saran at Chapra in connection with **Masrakh P.S. Case**
No.392 of 2018, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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