

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24309 of 2019

Arising Out of PS. Case No.-2925 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Anjani Kumar Roy, Son of Late Shital Roy Resident of Village - Kharon, P.S.- Tarari, Distt - Bhojpur.
 2. Ashok Kumar Roy Son of Late Shital Roy Resident of Village - Kharon, P.S.- Tarari, Distt - Bhojpur.
 3. Harihar Roy Son of late Mahendra Ray Resident of Village - Kharon, P.S.- Tarari, Distt - Bhojpur.
 4. Sonu Kumar Son of Harihar Ray Resident of Village - Kharon, P.S.- Tarari, Distt - Bhojpur. At present resident of Mohalla - Indrapuri, Text Book Colony Road No. 2A House No 18, P.S.- Pataliputa, Distt - Patna
 5. Harendra Singh @ Harendra Kumar Singh Son of Indradeo Singh Resident of Village - Durupur, P.S.- Tarari, Distt - Bhojpur
 6. Birendra Singh @ Binda Son of Indradeo Singh Resident of Village - Durupur, P.S.- Tarari, Distt - Bhojpur
 7. Vikash Singh @ Vikash Kumar Singh Son of Birendra Singh @ Binda Resident of Village - Durupur, P.S.- Tarari, Distt - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar,
2. Anil Kumar Son of Sheodayal Roy Resident of Village - Kharouna, P.S.- Tarari, Distt - Bhojpur. At present resident of C/132, Police Colony, Anisabad, P.S.- Gardanibagh, Distt - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in

connection with Complaint Case No. 2925 (C) of 2018,



registered under Sections 323, 341, 379, 427, 109 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 13.07.2018 at 2.00 P.M., complainant/O.P. No.2 along with his father and one Ajit Kumar were going to his house situated at Police Colony from the High Court boarding on car, when they reached at Gardanibagh, all of a sudden, a Bolero vehicle overtaken his car and nine persons named in the complaint petition, including the petitioners, came out from the Bolero vehicle on which complainant/O.P. No.2 identified all the nine persons, including the petitioners. Thereafter, they dragged the complainant along with his father and Ajit Kumar from the car and started abusing & assaulting by means of fists and slaps. At that time, all the persons were armed with pieces of bamboo, whereas Birendra was armed with pistol and they snatched Rs. 700/-, Rs.2000/- and Rs. 500/- from the pocket of complainant, his father and Ajit Kumar, respectively. At that time, petitioner No.3 Harihar Roy asked him to withdraw two complaint cases otherwise they will be killed. In the meantime, Dinesh and Kundan came, who saw the occurrence. At that time, they also snatched his case file from the car.

Learned counsel for the petitioners submits that



petitioner No.3 Harihar Roy is own uncle of the complainant/O.P. No.2 and other petitioners are family members of petitioner No.3, the occurrence took place due to land dispute and complainant/O.P. No.2 managed to lodge the present case. Moreover, in the complaint petition No. 1737 C of 2003, the petitioner No.3 and Santosh Kumar have already been discharged vide order dated 17.12.2008 passed by the learned Judicial Magistrate, 1st Class, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Judge-XIV-cum-Addl. Chief Judicial Magistrate, Patna in connection with Complaint Case No. 2925 (C) of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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