

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71965 of 2018

Arising Out of PS. Case No.-25 Year-2018 Thana- NARDIGANJ District- Nawada

1. Parmanand Kumar S/o Ramswaroop Mahto.
 2. Kunal Kumar, Shivdani Mahto.
- All R/o Vill- Gotrain, P.S.- Nardiganj, Distt- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Binod Kumar 2, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 09-05-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nardiganj P.S. Case No.25 of 2018 registered under Sections 144, 147, 148, 341, 323, 325, 307, 379 and 420 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on 31.01.2018 at about 04.00 P.M., the informant Sanjeet Kumar along with his uncle Surendra Sah was returning from the Civil Courts, Nawada, to the house on a motorcycle. In the way, 9 persons, named in the F.I.R., including the petitioners and 5-6 unknown variously armed with deadly weapons stopped the motorcycle. At that



time, Gautam Kumar and Azad Kumar alias Chandrashekhar tried to open fire but the firing could not be made. Thereafter, all caused assault to the informant through lathi, danda and iron rod, due to which his both hands were fractured and his uncle sustained slight injury. Thereafter, the informant along with his uncle fled away towards village and collected the villagers, then Hriday Sah and Purushottam Kumar making fire fled away. When the informant checked his pocket, he found that his A.T.M., I.D. Card and cash Rs.5000/- were taken away by Chamari Mahto from his pocket. Thereafter, the informant was taken to the police station by the villagers, where the police asked them to take him to the hospital. After that, the informant was taken to Nardiganj Government Hospital, from where he was referred to Nawada and from where he was referred to P.M.C.H., after giving some treatment. The cause of occurrence is that Chhotelal Gupta had taken loan Rs.2,00,000/- from Ranjeet Kumar, the younger brother of the informant, and on repeated requests, Chhotelal Gupta, gave two cheques to Ranjeet Kumar, which were dishonoured regarding which the case was lodged. When he was returning from the Civil Courts, Nawada, after giving evidence in that case, the alleged occurrence took place.



Learned counsel appearing on behalf of the petitioners submits that the village of the petitioners and the informant is adjacent to each other and due to dirty village politics, the petitioners have falsely been implicated in this case without any specific any overt act. The occurrence is said to be of 31.01.2018 but in the case diary, which is up-to paragraph-92 dated 04.01.2019, there is no injury report.

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) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-VI, Nawada, in connection with Nardiganj P.S. Case No.25 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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