

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45414 of 2019

Arising Out of PS. Case No.-104 Year-2018 Thana- SAUR BAZAR District- Saharsa

1. RAHUL KUMAR Son of Ramesh Yadav Resident of Village - Gamhariya, P.S.- Saur Bazar (Bajinathpur O.P.), Distt - Saharsa.
2. Randhir Kumar Rana @ Randhir Kumar @ Randhi Kuma Rana Son of Ramesh Yadav Resident of Village - Gamhariya, P.S.- Saur Bazar (Bajinathpur O.P.), Distt - Saharsa.
3. Jai Krishna Raman @ Jai Krishna Yadav @ Mangal Pandit Son of Late Maheshwar Yadav Resident of Village - Gamhariya, P.S.- Saur Bazar (Bajinathpur O.P.), Distt - Saharsa.
4. Ramesh Yadav Son of Maheshwari Yadav Resident of Village - Gamhariya, P.S.- Saur Bazar (Bajinathpur O.P.), Distt - Saharsa.
5. Rajesh Kumar Son of Mangal Pandit Resident of Village - Gamhariya, P.S.- Saur Bazar (Bajinathpur O.P.), Distt - Saharsa.
6. Bina Devi D/o Mangal Pandit Resident of Village - Gamhariya, P.S.- Saur Bazar (Bajinathpur O.P.), Distt - Saharsa.
7. Meena Devi Wife of Ramesh Yadav Resident of Village - Gamhariya, P.S.- Saur Bazar (Bajinathpur O.P.), Distt - Saharsa.
8. Babu Saheb @ Babu Saheb Kumar Son of Ganesh Yadav Resident of Village - Gamhariya, P.S.- Saur Bazar (Bajinathpur O.P.), Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sour Bazar P.S. Case No.104 of 2018 registered under Sections 341, 323, 325, 379, 504 and 506/34 of the Indian Penal



Code besides Section 27 of the Arms Act.

The accusation is that in the morning of 22.02.2018, when the informant was providing fodder to his cattle at his door, at that time, Rahul Kumar (petitioner no.1), Randhir Kumar (petitioner no.2), Jai Krishna Yadav alias Mangal Pandit (petitioner no.3), Babu Saheb (petitioner no.8), Rajesh Kumar (petitioner no.5) and 4-5 unknown having lathi, fatta, three-nut came there and started to abuse and commit “Maar-Peet”. When the informant raised alarm, then the petitioner no.1 made firing two rounds. In the meantime, Lalita Devi, Tipu Kumar alias Mithu and Nidhi Kumari, the wife, son and the daughter of the informant respectively, rushed there and started raising alarm. Thereafter, on the order of the petitioner no.3, to kill the informant, petitioner no.1 and the petitioner no.2 caused injury to the informant on his head through lathi, due to which the informant fell down and received fracture injury on his leg. After that, Meena Devi (petitioner no.7), Ramesh Yadav (petitioner no.4) and Bina Devi (petitioner no.6) came there and started to commit “Maar-Peet”. At that time, petitioner no.1 took the mobile phone of the son of the informant, whereas the petitioner no.4 took the gold chain of the son of the informant.

Learned counsel for the petitioners submits that due to



some dispute, the occurrence of “Maar-Peet” took place between the parties in which both sides sustained slightest injury but with an ulterior motive, the informant has lodged the present case. Moreover, regarding the same occurrence, on the basis of the written report of Rahul Kumar (petitioner no.1), Sour Bazar P.S. Case No.103 of 2018 was also instituted against the informant of the present case and others.

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 Chief Judicial Magistrate, Saharsa, in connection with Sour Bazar P.S. Case No.104 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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