

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55005 of 2019

Arising Out of PS. Case No.-377 Year-2017 Thana- GARKHA District- Saran

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1. MOGAL RAI @ MANGAL RAI Son of Late Musafir Rai
 2. Ram Lakhan Rai Son of Late Musafir Rai
 3. Amod Rai Son of Bira Rai
- All are resident of Village-Jilkabad Pirari, P.S.-Garkha, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 11-12-2019 Heard both sides.

The petitioners apprehend their arrest in Garkha P.S.
Case No.377 of 2017 registered under Sections 341, 323, 307,
504, 506 and 34 of the Indian Penal Code and under Section 27
of the Arms Act.

The informant alleged that while he was returning
after delivering milk, three unknown persons came and asked
the informant to give money. The accused persons assaulted the
informant and one of them opened firing causing injury in the
neck of the informant. The informant suspected and disclosed
the name of the petitioners who are close relatives of the father-



in-law of the informant and disclosed that they were running after his life on account of land dispute.

The learned counsel for the petitioners submits that informant was all alone when the occurrence took place and he did not identify the assailants. The informant named the petitioners on mere suspicion. Even during the course of investigation, none of the witnesses disclosed the name of the petitioners. The witnesses simply disclosed the name of the petitioners on mere suspicion. The informant in his further statement in para 24 of the case diary claimed to identify the petitioners. This fact itself shows that the petitioners have been falsely implicated by the informant on account of land dispute although had the informant identified the petitioners at the time of occurrence, he would have named the petitioners in the first information report as assailants.

Taking into consideration the facts aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 5th, Saran at Chapra in connection with



Garkha P.S. Case No.377 of 2017, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Jha, J)

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