

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62446 of 2019

Arising Out of PS. Case No.-149 Year-2017 Thana- GHORASAHAN District- East
Champaran

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1. DHRUP RAI @ DHRUV RAI Son of Jaylal Ray Resident of Village-Guramiya, P.S-Ghorasahan, District-East Champaran.
 2. Mukesh Rai Son of Jaylal Ray Resident of Village-Guramiya, P.S-Ghorasahan, District-East Champaran.
 3. Shiv Mangal Rai Son of Dharichan Rai Resident of Village-Guramiya, P.S-Ghorasahan, District-East Champaran.
 4. Pappu Rai Son of Shiv Mangal Rai Resident of Village-Guramiya, P.S-Ghorasahan, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Rana Randhir Singh

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

ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ghorasahan P.S. Case No.149 of 2017 registered under Sections 341, 323, 324, 307, 379 504 and 506/34 of the Indian Penal Code.

The accusation is that on 26.03.2017 at about 07.30 P.M., the informant along with his cousin Ajit Kumar was coming to his house boarding on motorcycle. In the way, 7 persons pointing the weapons stopped the informant. In the



light of the motorcycle, the informant identified the petitioners. At that time, the petitioner nos.3 and 4 dashed the informant on the ground after tying the Gamchcha on the motorcycle and, thereafter, started to tight Gamchcha on his neck. In that course, the petitioner no.1 gave dagger blow at the informant causing blood oozing injury on his forehead. Thereafter, the petitioner no.1 again gave dagger blow to the informant, due to which he sustained cut injury on his palm. At that time, the petitioner no.2 hit at the testicles of the informant through leg and took gold chain and cash Rs.10,000/- of the informant. In the meantime, on the alarm raised by Ajit and seeing the passerby coming there, they fled away from there.

Learned counsel for the petitioners submits that the injuries, as found on the person of the informant, are simple in nature. Moreover, on investigation, while the police submitted the charge-sheet under Sections 341, 323, 324, 504 and 506/34 of the Indian Penal Code against the petitioners but the learned court below differing with the same, took the cognizance of the offence under Section 307 of the Indian Penal Code against the petitioners. The petitioners, who have no criminal antecedents, have falsely been implicated in this case.

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 Sub Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran, Motihari, in connection with Ghorasahan P.S. Case No.149 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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