

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1460 of 2020

Arising Out of PS. Case No.-155 Year-2019 Thana- MAHISHI District- Saharsa

1. Satendra Khirhar @ Satyendra Khirhar Son of Bisheshwar Khirhar Resident of Village - Mahpura, P.S.- Mahishi, District - Saharsa.
2. Yogendra Khirhar @ Yogendra Yadav Son of Late Sahdeo Khirhar Resident of Village - Mahpura, P.S.- Mahishi, District - Saharsa.
3. Ramesh Khirhar Son of Shivo Khirhar Resident of Village - Mahpura, P.S.- Mahishi, District - Saharsa.
4. Mithleshwar Khirhar @ Mithlesh Khirhar @ Mithilesh Khirhar Son of Shivo Khirhar Resident of Village - Mahpura, P.S.- Mahishi, District - Saharsa.
5. Niraj Khirhar Son of Birendra Khirhar Resident of Village - Mahpura, P.S.- Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners apprehend their arrest in **Mahishi P.S.**
Case No. 155 of 2019, registered for the offence punishable
under Sections 447, 341, 323, 385, 379, 427, 307, 504, 506 and
34 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case is that on 08.10.2019 at 6.00
P.M., while the uncle of the informant was at his shop, the
accused persons including these petitioners came at the shop
and took tea, breakfast and when the price of the same was



demanded then they assaulted him and Yogendra Khirhar (petitioner no. 2) gave *Dabia* blow over his head due to which he fell down then cash of Rs. 2500/- was taken out from the cash box and they damaged the articles of the shop. Further, the informant took his uncle to the hospital and when he came to his house for arrangement of cash for treatment of his uncle then at about 7.00 p.m. on the order of Mithilesh Khirhar (petitioner no. 4) and Birendra Khirhar co-accused Niraj Khirhar (petitioner no. 5) fired upon him from country made pistol which hit at his left thigh due to which he fell down then Ramesh Khirhar (petitioner no. 3), Yogendra Khirhar (petitioner no. 2), Randhir Khirhar and Satyendra Khirhar (petitioner no. 1) assaulted him by feet and were demanding *Rangdari* from him.

It is submitted that petitioners have falsely been implicated in this case. Injuries sustained by the injured found to be simple in nature caused by hard and blunt substance. No fire arm injury has been found. Petitioners have got clean antecedent.

Considering the facts aforesaid, the petitioners above-named in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Sub-Divisional Judicial Magistrate, Saharsa** in connection with **Mahishi P.S. Case No. 155 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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