

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82138 of 2019

Arising Out of PS. Case No.-497 Year-2019 Thana- MASAUDHI District- Patna

1. RANJEET KUMAR Son of Ajay Yadav @ Ajay Kumar Resident of Village - Salempur, P.S.- Karauna, District- Jehanabad.
2. Raju Kumar Son of Ajay Yadav @ Ajay Kumar Resident of Village - Salempur, P.S.- Karauna, District- Jehanabad.
3. Saras Kumar Son of Lav Kush Yadav Resident of Village - Salempur, P.S.- Karauna, District- Jehanabad.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Surendra Kumar Mishra, Advocate.
For the State	:	Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 25-06-2020 In view of the supplementary affidavit filed on behalf of the petitioners, in the cause title of this application, the father's name of the petitioner nos.1 and 2, above named, be read as Ajay Yadav alias Ajay Kumar. So far as the name of the petitioner no.3 is concerned, the same be read in the cause title of this application as 'Saras Kumar' in place of 'Saroj Kumar'.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Masaurhi P.S. Case No.497 of 2019 registered under Sections 341, 323, 324, 504 and 379/34 of the Indian Penal Code.

The accusation is that in the evening of 01.07.2019, when



the informant Amarjeet Kumar was returning to his house from Jehanabad Civil Court boarding on motorcycle, in the way, his motorcycle was stopped by one Tata Magic vehicle. Thereafter, the petitioners and one Amit Kumar, who were sitting on the Tata Magic vehicle, on getting down from the same, came near the informant. At that time, Ranjeet Kumar (petitioner no.1), taking a pistol in his hand, asked the informant to kill him and Raju Kumar (petitioner no.2) started to cause assault to the informant through iron rod, due to which he sustained injury on his head, whereas Saras Kumar (petitioner no.3) caused injury at the hand of the informant through Garasa. At that time, Amit Kumar took the cash Rs.25000/- from the pocket of the informant. Before three months, the petitioners had also committed “Maar-Peet” with the informant due to dispute regarding the timing of the bus, however, the dispute in between them was pacified by the villagers.

Learned counsel for the petitioners submits that, in fact, the dispute arose in between the petitioners and the informant in fixing the time of the departure of the buses as the petitioners used to work in the buses, in which hot exchange of words took place in between the informant and the petitioners and, in that course, the informant fell down on the ground and sustained injury on his head. With an ulterior motive, the informant has lodged the present case. Further submission is that only two injuries were found on the person of the informant, in which the injury no.1 {lacerated wound on head



(right side)} is simile in nature and regarding the injury no.II, which is scratch of swelling about 2” on left arm, opinion was kept reserved till the availability of X-ray, which would appear from paragraph-37 of the case diary. Further submission is that the petitioners have no criminal antecedents.

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 Judicial Magistrate, Masaurhi, Patna, in connection with Masaurhi P.S. Case No.497 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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