

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33399 of 2020

Arising Out of PS. Case No.-207 Year-2020 Thana- GARKHA District- Saran

1. Laxman Sah, Son of Goverdan Sah Resident of Village - Moshahab Tola, P.S.- Garkha, District - Saran.
2. Vikash Sah, Son of Laxman Sah, Resident of Village - Moshahab Tola, P.S.- Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 12-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Learned counsel for the petitioners seeks permission to withdraw this application in respect to petitioner no.1, Laxman Sah.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no.1.

Heard learned counsel for the petitioner no.2, Vikash Sah, and the learned A.P.P. for the State.



The petitioner nos. 2, Vikash Sha, apprehends his arrest in connection with Gorkha P.S. Case No. 207 of 2020 registered under Sections 341, 323, 354, 307, 379 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that in the morning of 17.05.2020, Awadhesh Rai and Manu Kumar, both brothers of the informant, Sudhir Rai, were engaged in completion of work under Jal-Nal Yojana with the help of labourers. At that time, Bikki Kumar having pistol in his hand reached there along with Laxman Sah (petitioner no.1) and his two sons, namely, Vikash Sah (petitioner no.2) and Kunal having iron rod in their hands. At that time, They attacked on his brothers, Awadhesh Rai and Manu Kumar through Farsa and rod, in which, both sustained grievous injury and his brother, Awadhesh Rai become unconscious. On raising alarm by Manu Kumar, his mother Malti Kunwar reached there then Laxman Sah (petitioner no.1) gave Garasa blow at her head and Bikki Kumar opened fire in the air giving threatening and unfold the Sari of his mother Malti Kunwar and they also snatched her gold chain.

Learned counsel for the petitioner nos.2 submits that there is specific allegation against Laxman Sah to cause injury through Garasa at Malti Kunwar, mother of the informant, with



general allegation against all FIR named accused including petitioner no.2 to cause injury through iron rod to Awadhesh Rai and Manu Kumar, both brothers of the informant but injuries as found on the person of both brothers of the informant were caused by hard and sharp object not by hard and blunt object. Further submission is that petitioner no.2, Vikash Sah, has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner no. 2, Vikash Sah, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XI, Saran, in connection with Gorkha P.S. Case No. 207 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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