

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36058 of 2021

Arising Out of PS. Case No.-285 Year-2020 Thana- KOILWAR District- Bhojpur

1. Pappu Kumar, Male, age about 23 years, Son of Raj Kumar Bhagat, Resident of Village - Sakhi, P.S.- Koilwar, Dist.- Bhojpur.
2. Sanjeet Kumar, Male, age about 19 years, Son of Raj Kumar Bhagat, Resident of Village - Sakhi, P.S.- Koilwar, Dist.- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Koilwar P.S. Case No. 285 of 2020 registered for the offence under Sections 341, 323, 427, 354(B), 307, 324 and 379/34 of the I.P.C.

The prosecution story, in brief, is that on 15.07.2020 at about 6.30 P.M., the villagers of the informant, namely, Raj Kumar Bhagat, Deepak Kumar Bhagat, Pappu Kumar and



Sanjeet Kumar came armed with weapons and said by abusing that Deepak had abused while playing cricket, today his all family members will be killed. When Savitri Kumari, the sister of the informant, protested then Sanjeet Kumar uttered filthy language and after catching her, tore her clothes and tried to outrage her modesty. On hulla, Jitendra Kumar, the brother of the informant, came there then Deepak assaulted with an Iron rod on his head causing head injury, Pappu assaulted with pistol on his back and Sanjeet with an intention to kill him assaulted with sword causing injury on the right hand. Sanjeet also assaulted with sword on the hand of the sister of the informant. On hulla, local people assembled there, thereafter, Pappu entered into his house after firing and broken box and Raj Kumar Bhagat took Rs. 40,000/- which was kept in the box.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. In course of occurrence, the butt of the pistol is said to have been used. No firing is alleged to have been made by the petitioners. This fact shows that the petitioners had no intention to commit murder. Hence, no offence under Section 307 of the



I.P.C. is made out in the present case. From perusal of the order of the learned Sessions Court, it is evident that there is no injury report available on the record.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Koilwar P.S. Case No. 285 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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