

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14966 of 2023

Arising Out of PS. Case No.-103 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Amarjeet Rai @ Amarjit Ray, Son of Late Ram Bali Rai, R/o Vill.- Kalyanpur Bishanpur, P.S.- Bibhutipur, Distt.- Samastipur.
 2. Sanjeet Rai @ Sanjeet Kumar @ Sanjeet Kumar Rai, Son of Late Ram Bali Rai, R/o Vill.- Kalyanpur Bishanpur, P.S.- Bibhutipur, Distt.- Samastipur.
 3. Ranjeet Rai @ Ranjeet Kumar Rai @ Ranjeet Kumar, Son of Late Ram Bali Rai, R/o Vill.- Kalyanpur Bishanpur, P.S.- Bibhutipur, Distt.- Samastipur.
 4. Deepak Kumar Rai @ Deepak Kumar, Son of Bhola Rai, R/o Vill.- Kalyanpur Bishanpur, P.S.- Bibhutipur, Distt.- Samastipur.
 5. Ram Vinod Rai @ Ram Binod Kumar, Son of Badalu Rai, R/o Vill.- Kalyanpur Bishanpur, P.S.- Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Gauri Shankar Rai, Son of Kaushal Rai R/o vill.- Kalyanpur Bishanpur, P.S.- Bibhutipur, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-05-2023 Heard learned counsel appearing on behalf of the

petitioners, learned Additional Public Prosecutor appearing on

behalf of the State and learned counsel appearing on behalf of

the informant.

Let the defect(s), as pointed out by the office, if any,

be removed within a period of four weeks from today.

The accused/petitioners are named in the complaint

petition and apprehending their arrest in connection with C.R.



No. 103/2020, for which cognizance has been taken for the offence punishable under Sections 307, 363/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by learned counsel appearing on behalf of the petitioners that prior to this complaint case, FIR was lodged bearing Bibhutipur P.S. Case No. 169 of 2017 against petitioners, whereafter investigation, police submitted final form against petitioners and lodged Begusarai (Town) P.S. Case No. 425/2017 against complainant and others. The basis of submission of final form against petitioners was self inflicted injuries and self kidnapping to victim for only purpose to implicate petitioners falsely. After submission of final form, protest petition was filed, whereafter enquiry, learned court below took cognizance against petitioners under Sections 307, 363/34 and Section 27 of the Arms Act. It is further submitted that there are several material contradictions create a *prima facie* doubt appears in statement of complainant as made during enquiry of present case.

Learned APP, duly assisted by learned counsel Mr. Ashok Kumar Pathak appearing on behalf of the informant submitted that petitioners were actively participated in the occurrence.



Considering the aforesaid facts and circumstances and by taking note of the materials available on record, where material contradictions appears on Court questions qua statement of complainant, accordingly, above named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Rosera/concerned Court, where the case is pending in connection with C.R. No. 103/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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