

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2174 of 2015

Arising Out of PS.Case No. -328 Year- 2014 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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Kamlakant Sinha Son of Late Sohrai Prasad Resident of Village - Kewai
Bigha, P.S- Noorsarai, District - Nalanda. At Present Ramchandrapur
Teacher Colony P.S- Lahery, District - Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nilesh Kumar
For the Opposite Party : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 21-05-2015 Heard both sides.

Sole petitioner apprehends his arrest in connection
with Noorsarai P.S. case no. 328 of 2014 instituted under Sections
341,323,504,427, and 307/34 of the IPC and Section 27 of the
Arms Act.

Both parties are agnates. In the case at hand, the
allegation is that when the petitioner tried to construct house on
the adjacent vacant land, the same was objected. A fire was shot
which, however, hit the cow who was tethered nearby.
Accordingly the present case under diverse provisions of the
Penal Code including Section 307/34 of the IPC and Section 27 of
the Arms Act. For the same occurrence the wife of the petitioner

lodge the case against the present prosecution side alleging that the accused persons owing to land dispute fired which, however, hit the same cow. The ultimate causality, therefore, in this case is cow.

Learned counsel has drawn attention of the court to Annexure-3 which is a Title Suit pending between the parties.

Taking into account the aforesaid facts, I am inclined to privilege the petitioner with anticipatory bail. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Noorsarai P.S. case no.328 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family members of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person



before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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