

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25989 of 2015

Arising out of PS.Case No. -52 Year- 2014 Thana -UJIYARPUR District- SAMASTIPUR

- 1. Anil Kumar Gandhi, Son of Ashok Kumar Gandhi.
- 2. Krishna Kumar Gandhi, Son of Ashok Kuamr Gandhi.
- 3. Ashok Kumar Gandhi, Son of Chanchal Ram, resident of Village- Pataili East, P.S.- Ujiarpur, District- Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Pramod Kumar Singh, Advocate.
For the Opposite Party : Mr. Hirday Pd. Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2015 The petitioners are apprehending their arrest in connection with Ujiarpur P.S. Case No. 52 of 2014 for the offences instituted under Sections 448, 311, 323, 325, 380 of the I.P.C. and 25(1-b) a, 26 and 37 of the Arms Act.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that on 06.04.2014 at about 10.00 P.M., the accused persons entering into the house and started to assault to Shyam Sunder Ram and Pankaj Kumar by rod and Hockey stick. At that time the informant was hear temple. Hearing hulla, the informant and other persons reached there and saw Anil Gandhi who was flying away with Box and Brief-case



(Attaché). The informant assaulted him in the leg on which he fell down and the informant tied his hand and leg. It is further alleged that Ashok Kumar Gandhi and Shrawan Kumar Gandhi brutally assaulted to Shyam Sundar and fractured his hand and caught hold him and informed to S.H.O. who asked that he is sending to Chowkidar later on three Chowkidars Nathuni Paswan and two others came there who all saw Anil Kumar Gandhi in tied position. They did free him and searched him and found country made pistol from his possession and sent him hospital. The informant and others also came to hospital on police jeep. It is further alleged that reason behind this occurrence is due to land dispute.

It has been submitted on behalf of the petitioners that there was recovery of arms from possession of petitioner no. 1. Though it is being said that there was no recovery. As far as petitioner nos. 2 and 3 are concerned, they had fled away from the place of occurrence. It is further submitted that it is a case and counter case. It is further submitted that the injury was sustained on the accused side also but the said injury has not been explained by the prosecution.

On behalf of the State it is submitted that the petitioners are named in the F.I.R. and there is specific allegation against

petitioner no. 1.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no. 1, Anil Kumar Gandhi. The same is rejected.

As far as petitioner nos. 2 and 3, namely, Krishna Kumar Gandhi and Ashok Kumar Gandhi are concerned, let them be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Ujiarpur P.S. Case No. 52 of 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dalsingsarai, Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)