

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 42762 of 2014

Arising Out of PS.Case No. -60 Year- 2014 Thana -AMBA District- AURANGABAD

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1. Vijay Singh @ Vijay Kumar Singh Son of Late Doman Singh
 2. Narendra Kumar Singh Son of Late Lakhan Singh
Both Resident of Village - Rajparsa, P.S.- Amba, District – Aurangabad.
 3. Chotey Kumar Singh @ Chhote Kumar Singh Son of Late Chandradeo Singh Resident of Village - Ajanania, P.S.- Simra, District – Aurnagabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 20-03-2015

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

The petitioners apprehend arrest in Amba
P.S. Case No. 60 of 2014 dated 12.08.2014 instituted under
Sections 447/384/427/504/34 of the Indian Penal Code and
27 of the Arms Act.

Learned counsel for the petitioners submits
that the present application is restricted to petitioners no. 2
and 3 since petitioner no. 1 during the pendecny of this
application was arrested though later released on regular bail.

Learned counsel for the petitioners submits
that there is land dispute between the parties and the
petitioner no. 2 is the next door neighbour and the allegation
of demanding Rs. 2,00,000/- 'Rangdhari' and firing is absurd,



moreso, in view of there being land dispute between the parties. It is further submitted that during investigation no evidence of firing has been collected which is reflected form the order of the learned Sessions Judge, Aurangabad dated 08.10.2014 in A.B.P. No. 857 of 2014 by which the prayer for anticipatory bail was rejected. It is further submitted that the allegation of firing was also against Gupta Singh and Binod Singh, who have been granted anticipatory bail by a co-ordinate bench under order dated 22.01.2015 in Cr. Misc. No. 2545 of 2015. Learned counsel submits that the petitioners have clean antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 2 and 3 be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Amba P.S. Case No. 60 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the

petitioners. The bailors will undertake to furnish information to the court about any change in the address of the petitioners, (ii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse,(iii) that the petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse, and (iv) that the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Ahsanuddin Amanullah, J.)

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