

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51615 of 2014

Arising Out of PS.Case No. -55 Year- 2014 Thana -SHYAMPUR BHATHA District- SHEOHAR

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1. Lalan Sah Son of Late Sahadev Sah
2. Premshanker Sah, Son of Rudal Sah, Both Resident of village- Rohuwa, P.S.- Shyampur
Bhatha, District- Sheohar

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh

For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HON'BLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 14-05-2015

Heard learned counsel for the petitioners, learned

counsel for the State as also the learned counsel for the informant.

In this application, the petitioners apprehend their arrest for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of Arms Act.

Allegedly, the petitioners and co-accused Sajjan Sah surrounded the informant and then the informant and his uncle started flee away but they were chased by the accused persons and the petitioners directed to shoot and then Sajjan Sah fired the shot which hit in the leg and due to alarm being raised, the accused persons fled away.

Submission is of false implication. Injuries have been found on the informant simple in nature. Due to land dispute, occurrence has taken place. It has come out during investigation that for connecting the electric wire, altercation has taken place

between the accused person Lallan Sah and victim informant vide para 28, 29, 30 and 31 of the case diary. Further it has come out that no sound of firing was heard by the witness vide para 32 and 33 of the case diary. In para- 34 it has come that the informant was engaged in selling liquor.

Learned A.P.P. opposes the prayer of bail by submitting that there is common intention. The petitioners and others surrounded the informant and his uncle and further on the order of the petitioners, co-accused fired the shot.

Considering the aforesaid submission and facts collected during the investigation and that the petitioners are simple order givers as such the petitioners in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheohar in Shyampur Bhatha P.S. Case No. 55 of 2014, subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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