

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42206 of 2014

Arising Out of PS.Case No. -196 Year- 2014 Thana -SHERGHATI District- GAYA

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1. Jairam Singh Son of Sri Yamuna Singh
2. Kunal Singh @ Kunal Kumar Son of Sri Jairam Singh Both R/o -
Village - Pidasin, P.S - Sherghati (Dobhi) Distt - Gaya
..... Petitioners

Versus

1. The State of Bihar
..... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 20-03-2015 Heard Mr. Kejriwal learned counsel for the
petitioners and counsel for the informant.

Petitioners apprehend their arrest in connection with
Sherghati (Dobhi) P.S. case no. 196 of 2014 registered under
Sections 341,323, 307, 427, 379, 504 of the IPC and Section 27 of
the Arms Act.

According to the First Information Report while the
informant was engaged in construction of wall the family
members of Ranjay Kumar Singh, his nephew, and other
accused persons came on to the scene of occurrence. Firing was
resorted to which, however, did not hit anyone. The petitioner
no.1 wielding a 'garsa' in his hand hit him on the head. So far as
the petitioner no.2 is concerned, he is said to have assaulted the
informant causing bruise over the right hand 1/2" x 1/2".

The submission is that prior to the present occurrence wife of co-accused Ranjay Kumar Singh had lodged a case against the present prosecution side (Annexure-4). The petitioners are not family members of Ranjay Kumar Singh. The allegation so far as petitioner no.2 is concerned, is of assaulting on the non vital part causing bruise injury. Even the injury on the frontal part of scalp was found to be bruise injury. Petitioners have no murky past.

The informant while opposing the prayer has stated that petitioner no.1 has assaulted on the head of the informant. Considering the facts of the case this Court is not inclined to privilege the petitioner no.1, namely, Jairam Singh with anticipatory bail. His prayer for anticipatory bail is rejected. He may surrender and seek regular bail in the Court below.

In so far as the petitioner no.2, namely Kunal Singh @ Kunal Kumar is concerned, this Court is inclined to privilege him with anticipatory bail. let the petitioner no. 2, in the event of his arrest/surrender within four weeks from today before the Court below 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 Sub Divisional Judicial Magistrate, Sherghati, Gaya in connection with Sherghati

(Dobhi) P.S. case no. 196 of 2014, subject to the conditions 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, trial Court shall have the liberty to cancel the bail bonds and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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