

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39264 of 2015

Arising Out of PS.Case No. -199 Year- 2015 Thana -SHEKHPURA District- SEKHPURA

1. Manoj Singh son of Late Kishori Singh
2. Gautam Kumar son of Manoj Singh
3. Bam Shankar @ Bambam Singh son of Manoj Singh
4. Prem Shankar Singh son of Late Balram Singh - 1 to 4 are resident of village Rasalpur, P.S. Sheikhpura (Hathiwani O.P.) District Sheikhpura.
5. Rajeev Singh son of Sudhir Singh, resident of village Mehus P.S. Sheikhpura (Mehus O.P.) District- Sheikhpura.

..... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Indra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sheikhpura (Hathiyawan O.P.) PS Case No. 199 of 2015, disclosing offences under Sections 147, 148, 149, 341, 323, 337, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners is right in his submission that except for the offence punishable under Section 27 of the Arms Act, other Sections levelled in the first information report are bailable. He also appears to be correct in his submission that no offence under Section 27 of the Arms Act is made out against these petitioners, in the absence of specific allegation of possession or use of fire-arms by a particular person.

He has stated that the petitioner nos. 4 and 5 have been arrested during the pendency of this application and, therefore, he seeks to withdraw the application to the extent it relates to petitioner nos. 4 and 5.

In view of the submission as above, this application is allowed to the extent it relates to petitioner nos. 1, 2 and 3.

Let the petitioner nos. 1, 2 and 3, namely, Manoj Singh, Gautam Kumar and Bam Shankar @ Bambam Singh, in the event of their arrest or surrender before the Court below within six weeks from today, 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 learned Chief Judicial Magistrate, Sheikhpura in Sheikhpura (Hathiyawan O.P.) PS Case No. 199 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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