

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13710 of 2015

Arising Out of PS.Case No. -289 Year- 2014 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

- =====
1. Manjeet Kumar
 2. Dharmendra Kumar
 - Both sons of Chandeshwar Singh
 3. Awadhesh Singh son of Late Jogendra Singh
 - All are residents of village- Khilwat, P.S.- Bidupur, District- Vaishali at Hajipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
: Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek anticipatory bail in connection with Bidupur P.S. Case No.289 of 2014 registered under sections 341, 323, 324, 326, 307, 379 and 504 read with 34 of the Indian Penal Code.

It is contended that in the given facts and circumstances of the case ingredients of the offence under section 307 of the Indian Penal Code would not be attracted as according to the allegations made in the FIR itself the accused persons were armed with pistol but they did not cause any firearm injury. This

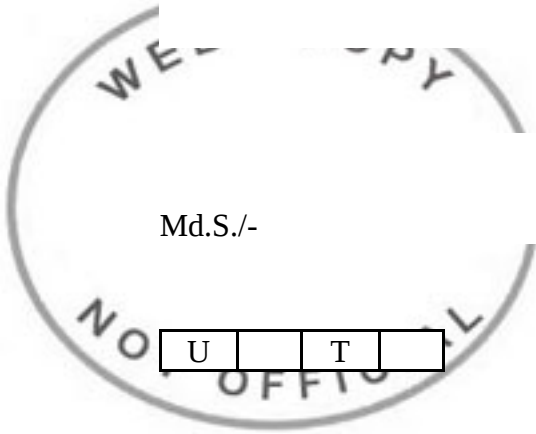
fact alone would show that there was no intention to kill the informant. So far as allegation under section 326 of the Indian Penal Code is concerned, it has been contended that the specific allegation of assault with knife upon the informant is confined against co-accused Chandeshwar Singh.

It is further contended that the petitioners have falsely been implicated in the present case on account of the fact that uncle of the petitioner nos.1 and 2 was killed by the informant and his family members, who have been made accused in Bidupur P.S. Case No.366 of 2009 in which sessions trial is going on and in order to put pressure upon the petitioners, the petitioners have been named in the FIR.

On the other hand, learned counsel for the State has contended that there is allegation against the petitioners that they also participated in assault upon the informant of the case.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of six weeks from today, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection Bidupur P.S. Case No.289 of

2014 subject to the conditions as laid down under section 438(2)
Cr.P.C.



(Ashwani Kumar Singh, J)