

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51067 of 2015

Arising Out of PS.Case No. -99 Year- 2015 Thana -IMAMGANJ District- GAYA

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1. Rain Singh son of Nanku Singh
 2. Jain Singh son of Ramdas Singh
 3. Madan Singh
 4. Sadan Singh
 5. Murari Singh
 6. Sunil Singh
 7. Ashok Singh all sons of Gaya Singh
 8. Ramdas Singh son of Muneshwar Singh
 9. Bipul Singh son of Sadan Singh
 10. Kara Singh @ Manjeet Kumar, son of Sunil Singh, All resident of village- Kochia, P.S.- Imamganj, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-12-2015 Heard learned counsel for the petitioners and learned
Special P.P. for the State.

The petitioners apprehend their arrest in connection with Imamganj P.S.Case No. 99 of 2015 registered for offences punishable under Sections 147, 149, 341, 323, 324, 380, 504, 506 and Section 3 (i) (x) S.C. /S.T. Act .

The prosecution case is that the petitioners forming an unlawful assembly with Lathi, Garasa, axe, gun, come and assaulted the informant, his wife and daughter in the dead of the night on the date of occurrence, causing injuries on their heads and other parts of the body and further also took away some ornaments

and the valuable papers related with landed property.

The learned counsel for the petitioners pointed out that landed property dispute is going on between the agnates and in connection therewith there is transaction of some piece of land by one of the agnates of the informant of this case as a result of which occurrence in between the agnates took place which led to institution of Complaint case No. 01/2015.

Learned counsel for the petitioners has submitted that the informant has brought this case only to falsely implicate these petitioners and as such they may be granted anticipatory bail but the learned Spl. P.P. has opposed such submissions and pointed out that the informant does not have any concern with the agnates of the petitioners and when they tortured the informant in the manner as narrated in the F.I.R. and the case was instituted, they have brought such papers before this Court to make out a defense which is nothing but a lame attempt to save their skin from the criminal liabilities. Learned counsel for the State has submitted that in view of nature of accusation, these petitioners do not deserve anticipatory bail.

It has been submitted by the learned counsel for the petitioners that the allegations upon all the petitioners are general and omnibus. It has further been submitted that all the petitioners are agnates of the informant and his family members and there was a land dispute between the parties.

It has further been submitted that except petitioner Nos. 1, 5 and 8, who are accused in Imamganj P.S.Case No. 86 of 2013 under Section 498 (A) of Indian Penal Code and presently they are on bail, all the other petitioners have no criminal antecedent as is evident from para-3 of the petition.

Furthermore, it has been submitted that the allegations upon the petitioners is not specific as to who assaulted the informant and on which part of the body.

Be that as it may, let the above named petitioners in the event of their arrest or surrender before the Court below within a period of six weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Sherghati District- Gaya in connection with Imamganj P.S.Case No. 99 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P. C.

(Nilu Agrawal, J)

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