

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55422 of 2015

Arising Out of PS.Case No. -53 Year- 2015 Thana -CHANDRAMANDI District- JAMUI

- =====
1. Pramod Tanti S/o Late Manoj Tanti,
 2. Sujit Marandi @ Sujit Kumar Marandi, S/o Ajit Marandi,
 3. Damu Paswan, S/o Doman Paswan,
 4. Mithilesh Tanti, S/o Chhotan Tanti,
 5. Manoj Paswan, S/o Radhe Paswan,
 6. Dilip Paswan, S/o Jitan Paswan,
- All are the residents of village - Lohsingha, P.S. - Chandermandi, District - Jamui,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.55461 of 2015

Arising Out of PS.Case No. -53 Year- 2015 Thana -CHANDRAMANDI District- JAMUI

- =====
1. Ashok Tanti son of Mathur Tanti null
 2. Balanand Paswan son of Sukdeo Paswan, Both are the residents of village- Lohsingha, P.s. Chandermandi, District- Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.55422 of 2015)

For the Petitioner/s : Mr. Anuj Kumar

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

(In Cr.Misc. No.55461 of 2015)

For the Petitioner/s : Mr. Anuj Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 18-12-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 506 of the Indian Penal Code, 25(1-B)/26/35 of the Arms Act and 16, 18 & 20 of Unlawful Activities (Prevention) Act.

The prosecution case is that all the accused persons including the petitioners and 30-35 unknown came armed with lathi, danda, sword, firearms and abused the labourers of the informant. On hearing alarm the informant along with Pratap Upadhyay and Diwakar Upadhyay were came then petitioner Ashok Tanti went to fire from the pistol but the magazine fell down on the ground then the informant and others wanted to escape from the scene but all the accused persons attacked on the informant side when petitioner Balanand Paswan assaulted on the back of the head of informant by means of pistol then informant fell down and when Pratap Upadhyay and Diwakar Upadhyay to save the life of the informant sat over the body of the informant but all the accused persons assaulted Pratap Upadhyay and Diwakar Upadhyay by means of sharp cutting weapon, lathi and danda. Pratap Upadhyay received grievous injury.

It is submitted by learned counsel for the



petitioners that specific accusation of overt act is only against Ashok Tanti and Balanand Paswan but no injury was caused by overt act of Ashok Tanti. The accusation has been levelled in the background of land dispute and accusation against others has been found omnibus and general. There are 10 FIR named accused persons and 30-35 unknown alleged to have made assault but all the three injured have received 2-3 injuries superficial simple in nature except one injury received by Pratap Upadhyay has been found to be grievous.

Considering the genesis of the occurrence and accusation is omnibus and general except against petitioners Ashok Tanti and Balanand Paswan, let the other petitioners named above in Cr. Misc. No. 55422 of 2015, be released on anticipatory bail, in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, 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, Jamui in connection with Chandramandi P.S. Case No. 53 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioners of Cr. Misc. No. 55461 of 2015 are concerned, let the learned court below consider the

prayer for regular bail of petitioners Ashok Tanti and Balanand Paswan keeping in view of the fact that the alleged overt act of Ashok Tanti has not caused any injury to the informant whereas Balanand Paswan caused simple injury to the informant, if they surrender before the learned court below within a period of six weeks from today.

(Dinesh Kumar Singh, J)

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