

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51013 of 2015

Arising Out of PS.Case No. -262 Year- 2015 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

- =====
1. Dinesh Prasad Son of Late Ramshrup Mahto resident of village- Banarsi Bigha, P.S. Islampur, District- Nalanda
 2. Biren Yadav, son of Gokhul Yadav, resident of village- Sharifabad, P.S. Islampur, District- Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.52067 of 2015

Arising Out of PS.Case No. -262 Year- 2015 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

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Nitish Kumar, Son of Umesh Prasad, Resident of Village/Mohalla – Banarsi Bigha, P.S. Islampur, District – Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.51013 of 2015)

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

(In Cr.Misc. No.52067 of 2015)

For the Petitioner/s : Mr. Ritesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-11-2015

Learned counsel for the petitioners of Cr.

Misc. No. 51013 of 2013 is permitted to make necessary correction in paragraph 1 of the petition.

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, 504, 506, 307 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that for a petty dispute with regard to irrigating the land and use of the water from the bore well the accused persons came variously armed when petitioner Nitish Kumar fired causing injury on the leg of the informant.

It is submitted by learned counsels for the petitioners that the accusation of firing is not against petitioners Dinesh Prasad and Biren Yadav and in the background of dispute the accusation has been levelled whereas it is submitted by learned counsel for the petitioner Nitish Kumar that the firing has not been repeated by the petitioner. Moreover, initial injury report suggested that it is a suspected case of gun shot injury.

Considering the nature of accusation, let the learned court below consider the prayer for regular bail of petitioner Nitish Kumar, if he surrenders before the learned court below within a period of six weeks. Accordingly, Cr. Misc. No. 52067 of 2015 filed on behalf of petitioner Nitish Kumar is disposed of.

So far as petitioners of Cr. Misc. No. 51013 of 2015 are concerned, since there is no overt act against them, let they 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 Additional Chief Judicial Magistrate, Hilsa, District - Nalanda in connection with Islampur P.S. Case No. 262 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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