

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5678 of 2016

Arising Out of PS.Case No. -325 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

1. Kameshwar Sharma son of Late Wakil Sharma
2. Ashok Tanti son of Late Dula Tanti,
Both resident of village- Pipra, P.S. Nokha, District- Rohtas.. Petitioners
Versus
1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhinay Raj
For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 31-03-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Kargahar P.S. Case No. 325 of 2015 registered for the offences punishable under Sections 143, 147, 148, 149, 341, 307, 308, 386 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, 20 miscreants in four vehicles came, Ram Awadhesh Singh told the informant to settle the land dispute and for that called the informant and others and as soon as they went there, the miscreants opened fire and further co-accused Anil Singh dashed the informant causing fracture in his leg. However, the petitioners were caught sitting in Scorpio and one live cartridge was recovered.

Submission is of false implication due to land dispute, no firearm was recovered from conscious possession of the petitioners or from the vehicles, from the place of occurrence no empty cartridge

was recovered, no injury was caused to any one and as such the petitioners who are suffering in custody without any fault deserve sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that the witnesses have supported regarding the firing.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 325 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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