

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17585 of 2016

Arising Out of PS.Case No. -130 Year- 2015 Thana -KISHUNPUR District- SUPAUL

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1. Ram Pukar Mandal Son of Late Boua Lal Mandal
 2. Rajdeo Mandal Son of Late Mahabir Mandal
 3. Shyam Bilas Mandal Son of Late Boua Lal Mandal
 4. Santosh Kumar Mandal @ Santosh Mandal Son of Jiwachh Mandal
 5. Jiwachh Mandal Son of Late Boua Lal Mandal
 6. Bishundeo Mandal Son of Late Mahabir Mandal
 7. Ram Bilash Mandal Son of Late Boua Lal Mandal All residents of village—Dumaria, P.S. Kishanpur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Satyaverat Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

- 2 28-04-2016 Learned counsel for the petitioners seeks permission to make correction in the address of the petitioners as Village—Dumaria, P.S.- Kishanpur, District- Supaul in place of village-Sakhua, P.S.- Marouna District-Supaul.

Permission is granted.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Kisanpur P.S.Case No. 130/2015 registered for offence punishable under Sections 147, 148,149,324, 341, 504, 411 of the I.P.C. and

25 (1-B) 26 Arms Act.

The prosecution case is that the informant has lodged the case alleging that two unknown persons came on a motorcycle armed with country made pistol and on the order of the accused Jiwachh Mandal(petitioner No. 5) fired upon the informant and fled away. In the said firing one villager, namely, Yogendra Yadav also sustained injury with fire arm and from the possession of one accused Domi Yadav, motorcycle, one country made pistol and one empty cartridge were recovered.

Learned counsel for the petitioners submits that they are innocent having no criminal antecedents and it is only on the basis of land dispute that this occurrence took place.

It has further been submitted that a Complaint case has been filed by petitioner No. No. 5 Jiwachh Mandal against the informant Hari Narayan singh regarding the same land bearing Complaint Case No. 769C/2015 on 30.06.2015, i.e. prior to the present case, which shows that there was previous enmity between the informant's and petitioner's side regarding the land.

Learned counsel for the petitioners also submits that there is no specific allegation against these petitioners and only allegation of firing is upon another accused person Domi Yadav.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since there is a civil dispute between the parties, let the above named petitioners in the event of their arrest or surrender before the Court below within a period of eight 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 Chief Judicial Magistrate, Supaul in connection with Kisanpur P.S.Case No. 130/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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