

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23997 of 2016

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

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1. Awadhesh Singh @ Ram Awadhesh Singh, S/o Late
Sukhari Singh

2. Anshu Singh @ Anshu Kumar, S/o Ram Awadhesh Singh
@ Awadhesh Singh.

Both resident of Village-Ghordiha, P.S.-Kargahar, District-
Rohtas, at present resident of Badhuyabag, P.S.-Sasaram
(Model), District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

For the Informant : Mr. Santosh Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 15-07-2016 The certified copy of the First Information
Report on behalf of the petitioners has been filed in
course of the day. Let it be kept on record.

Heard learned counsel, appearing on behalf of
the petitioners, learned Additional Public Prosecutor,

representing the State of Bihar, and learned counsel, appearing on behalf of the informant.

This application, for grant of anticipatory bail, arises out of Kargahar P.S. Case No.325 of 2015, disclosing offences under Sections 143, 147, 148, 149, 341, 307, 308 and 386 of the Indian Penal Code and Section 27 of the Arms Act.

Referring to the First Information Report, learned counsel, appearing on behalf of the petitioners, has submitted that land dispute between the informant and the petitioners is an admitted fact. He has also submitted that though there is allegation of indiscriminate firing against the accused persons, but indisputably, no person has received any fire arm injury. Further, three of the co-accused persons are said to have been apprehended by the villagers, but there is no allegation that they have carrying fire arms, though there is allegation that one bullet was found in possession of one of the co-accused, namely, Anish Singh.

Learned counsel, appearing on behalf of the informant, has, on the other hand, submitted that the informant got fractured injuries in his leg and considering the gravity of the offence alleged, the petitioners could not be given the privilege of anticipatory bail.

However, considering the submission that there is land dispute between the petitioners and the informant and no person has received any fire arm injury or any injury on the vital part of the body, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-II, Rohtas at Sasaram**, in connection with **Kargahar P.S. Case No.325 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, above named, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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