

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31099 of 2016

Arising Out of PS.Case No. -135 Year- 2016 Thana -DUMRAUN District- BUXAR

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1. Sheojee Ray @ Sheojee Raj son of Late Kameshwar Ray
2. Harendra Ray son of Late Ram Kewal Ray
3. Jitendra Kumar Singh alias Jitendra Singh son of Late Lalan Singh All residents of Village + P.O.- Chilahari, Police Station- Dumraon, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Ms. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 19-08-2016

Heard Mr. Baxi S.R.P. Sinha, Sr. Advocate, for the

petitioners and Ms. Sharda Kumari APP for the State.

A piece of land is claimed by two groups/parties.

On the relevant date, the petitioners were on the land and engaged in making construction thereover. The 'Chowkidar' apprehended breach of peace as another group was likely to obstruct informed the police. While on way to the disputed plot the informant heard gun shot firings. Seeing the police party both the parties escaped. Having found the empty cartridges present at the site the First Information Report was lodged under Section 307 of the IPC vide Dumraon (Naya Bhojpur O.P.) P.S. case no. 135 of 2016 alleging that two groups had engaged in exchange of firings. Indisputably, there is no injury on any side according to the First Information Report. Petitioners have claimed clean antecedents.

Looking to the allegations and other materials available on record, I am persuaded to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 135 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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