

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34995 of 2016

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

=====

Anish Singh @ Anish Kumar, Son of Ram Awadhesh Singh, Resident of Village- Ghordihan, P.S.- Kargahar, District- Rohtas, at present Mohalla-Barhaiyabag (Takia), P.S.- Sasaram (Model), District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with Kargahar P.S. Case No. 325/15 for offences alleged under Sections 143, 147, 148, 149, 341, 307, 308, 386 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant is that there was land dispute between the parties. There was indiscriminate firing but no person has received any fire-arm injury. On hearing the firing sound villagers ran towards the place of occurrence then the petitioner started fleeing away hitting one person causing fracture of his leg. Two of the co-accused persons are said to have been apprehended by the villagers.



It has been submitted by the learned counsel for the petitioner that there is long drawn land dispute between the parties, who are neighbours, and before institution of the present case father of the petitioner had lodged Sasaram (Model) P.S. Case No. 619/15. He submits that the informant has also filed Title Suit No. 1039/15, which is pending before the learned Sub-Judge-I, Sasaram against the co-accused and a proceeding under Section 144 Cr.P.C. vide Misc. Case No. 594/2015 was started but eventually dropped. He further submits that the allegation upon the petitioner is of driving the car and since there was large number of persons in commotion one person of the informant side got hit from the car as a result of which his leg was fractured, the injury is not on the vital part of the body and there is no allegation of firing against the petitioner. It has further been submitted that the co-accused on similar allegation have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court in Cr. Misc. No. 23997 of 2016 on 15.07.2016 and petitioner has no criminal history, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is land dispute

between the parties and the allegation upon the petitioner is of not causing fire-arm injury nor the injury is on the vital part of the body, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-II, Rohtas at Sasaram, in connection with Kargahar P.S. Case No. 325/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--