

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35957 of 2016

Arising Out of PS.Case No. -619 Year- 2016 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Rasmalai Singh @ Purushottam Singh @ Purushotam Kumar
2. Praveen Kumar Singh @ Praveen Kumar @ Peda both sons of Binod Kumar Singh, resident of Village: Bansa, P.S: Sasaram (Mufassil), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2016 Heard learned counsels for the petitioners,

informant and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 448 and 307/34 of the Indian Penal Code.

The prosecution case is that on 30.5.2013 at 12.30 P.M. four persons came on two motorcycles variously armed and started firing. The informant identified two persons. The petitioners were found talking on mobile at the place of occurrence. It is alleged that petitioner no. 2 was supplying information to the accused persons who were firing.



It is submitted by the learned counsel for the petitioners that in the background of inimical relationship the accusation has been levelled and even assuming the accusation, no offence under section 307 IPC is made as the firing is alleged to have been made on the house of the informant. Petitioner no. 1 is accused in three cases but all the three cases have been lodged by the present informant and he is on bail in all those cases. However, petitioner no. 2 has no criminal antecedent.

Learned counsel for the informant submits that the petitioner no.1 and others resorted to fire to terrorize the informant for not prosecuting the earlier case lodged against petitioner no. 1.

Considering the accusation in the background of serious enmity between the parties from before when firing, admittedly, did not cause injury to any one, it is a case for consideration of the prayer for bail of the petitioner no. 1 by the learned court below in case the petitioner no. 1 surrenders within six weeks from today in connection with Sasaram (Mufassil) P.S. Case No. 619 of 2016 pending in the court of learned CJM, Rohtas at Sasaram.

So far as petitioner no. 2 is concerned, since there is no accusation of firing against him and he has no criminal antecedent as stated in paragraph 3 of the petition, let him be

released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Rohtas at Sasaram in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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