

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47303 of 2016

Arising Out of PS.Case No. -183 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Bittu Sinha @ Bittu Kumar son of Santosh Srivastava @ Bhola Lal
 2. Santosh Kumar Sinha @ Santosh Srivastava @ Bhola Lal, son of Thakur Krishna Mohan Sahay. Both are resident of Village- Amarpura, P.S. Mohania, District- Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 13-12-2016 Heard learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Mohania P.S. Case No. 183 of 2016 for the offences punishable under sections 147, 148, 149, 341, 342, 323, 324, 326, 307, 504, 506, 379 and 120 B of the I.P.C, section 27 of the Arms Act and sections 47 and 54 (2) (b) of the Amendment Excise Act.

Allegedly, the petitioners and other co-accused surrounded the informant and at the direction of Punit Kumar Srivastava co-accused Paramhansh Ram and Ranjit Srivastava opened fire which luckily did not hit the informant, then all started assaulting by Lathi, Danda, rod, Garasa and with the butt



of Katta. Paramhansha Ram assaulted with garasa, Vivek Kumar Sinha snatched mobile and H.M.T. wrist watch and golden chain and thereafter Vivek Kumar Sinha assaulted with iron-rod on the right shoulder, Rabish Kumar assaulted with small katta on hips, Ranjit Kumar Sinha assaulted with iron-rod on his waist, all were in drunken condition, petitioner Santosh Kumar Sinha threw wine bottle on the head above the eye and on the chest of the informant and he became unconscious. Chandan Kumar and Rajat Kumar tried to save the informant but Chandan Kumar was also assaulted by Paramhansha Ram with iron-rod.

Submission is of false implication and that the written report is the typed copy. Against petitioner Bittu Sinha there is no specific allegation and against Santosh Kumar Sinha only allegation is that he threw wine bottle and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that against petitioner Bittu Sinha @ Bittu Kumar there is no specific allegation and further against petitioner Santosh Kumar Sinha @ Santosh Srivastava @ Bhola Lal the only allegation is that he threw wine bottle causing injury above the eye and on the chest of the informant and as such the petitioners, in



case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall 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. C.J.M. Bhabua (Kaimur) in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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