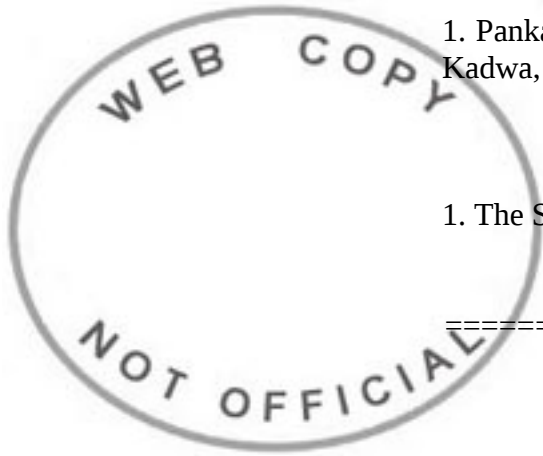




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51282 of 2015

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1. Pankaj Singh son of Mathuri Singh, resident of village- Pachgachia Tola Kadwa, P.S.- Dholbajja (Kadwa), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.51557 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- BHAGALPUR

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1. Tunna Singh son of Nago @ Nageshwar Singh resident of village - Pachgachia Tola Kadwa, P.S. - Dholbajja (Kadwa), District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.51282 of 2015)

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Ataur Rahman(App)

(In Cr.Misc. No.51557 of 2015)

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Ataur Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 24-02-2016 Both the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences

punishable under sections 341, 323, 307 and 386/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioners and other co-accused surrounded the informant, petitioner Pankaj Singh demanded money and on the order of co-accused Prakash Singh to shoot, the petitioner Pankaj Singh assaulted with butt of the pistol on the head of the informant and then the informant started fleeing away, the accused persons opened 8-9 firing but the informant succeeded in going to his house.

Submission is of false implication and that no offence under section 307 I.P.C. is made out, inspite of having pistol the petitioner Pankaj Singh did not shoot the informant rather allegedly he assaulted with butt, two injuries have been found on the person of the informant which are simple in nature and now good sense has prevailed between the parties and the compromise petition has also been filed in the learned court below, the petitioners by remaining in custody have been sufficiently penalized.

The learned A.P.P fairly submits that no fire arm injury has been caused to the informant and the two injuries found on the person of the informant are simple in nature.

In the facts and circumstances as stated above, both

the petitioners are directed to 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 Sri S.K. Gupta, J.M. 1st Class, Naugachia, Bhagalpur in Dholbajja (Kadwa) P.S. Case No. 16 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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