

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10491 of 2016

Arising Out of PS.Case No. -802 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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1. Mahesh Singh Son of Narayan Singh.
2. Bijay Singh Son of Late Surya Narayan Singh.
Both resident of Village- Khargi Tirasi, P.S- Gangour, District:
Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that on 22.12.2015 at 4.15 A.M. the informant and her husband were going to Kalyanpur, in the meantime First Information Report named four accused persons including the petitioners and four unknown persons surrounded them. The co-accused Umesh Singh caught hold of the informant and shot at the husband of the informant. Thereafter co-accused Kishore Singh also sought at the husband of the informant. All the accused persons made indiscriminate firing. It is also

alleged that the accused persons took the informant also below the dam.

It is submitted by the learned counsel for the petitioners that specific accusation of firing is against Umesh Singh and Kishore Singh. The accusation has been levelled in the background of land dispute. Proceeding under Section 145 Cr.P.C. is pending between the parties hence, petitioners have been roped maliciously in the present case. The post-mortem reflects only one injury and subsequent to the present case one case has also been lodged by the sister-in-law of the informant levelling accusation under Sections 147, 148, 149, 323, 427, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

It is submitted by the learned counsel for the informant that the petitioners also participate in the occurrence, but admits that the specific accusation of firing is against Umesh Singh and Kishore Singh.

Considering the accusation against the petitioners not being corroborated with the medical opinion and the petitioners being on inimical terms with the informant side from before, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with

Khagaria (Gangour) P.S. Case No. 802 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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