

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42430 of 2015

Arising Out of PS.Case No. -137 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Pintu Kumar Singh son of Vijendra Singh
 2. Vijendra Singh son of Kanta Singh
 3. Vishal Singh son of Rajesh Singh, all resident of village- Dhanechha,
P.S.- Durgawati, District- Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-01-2016 Heard learned counsel for the petitioner and the

learned APP for the State.

It is submitted by the learned counsel for the
petitioners that petitioner no. 3 Vishal Singh has since been
arrested and thereafter released, as such, this application against
petitioner no. 3 has become infructuous.

The petitioners apprehend arrest in connection
with Durgawati P.S. Case No. 137 of 2015 for the offences alleged
under Sections 147, 148, 149, 323, 324, 341, 307, 379, 427, 504
and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution cases as alleged in the fardbeyan
of one Sheo Pujan Bind, is that a pond was settled in his favour by

Durgawati Prakhand Matsya Sahyog Samittee as well as District Fisheries Officers and the informant alongwith other fishermen put fish net for fishing. On 23.06.2015 at 4.30 A.M. when he and other fishermen were at the pond for fishing, the seven named accused persons alongwith 5-6 unknown came there armed with pistol, lathi and spear, abused them and started resorting to firing from the gun as also assaulted with lathi and spear. They also took away the fishing net.

It has been submitted by the learned counsel for the petitioners that the petitioners are innocent and have committed no offence. In fact, it has been submitted by the counsel for the petitioners that the allegations against the petitioners and other accused persons are general and omnibus and when the petitioners objected to taking out water from the pond along with other villagers this incident took place but the petitioners have not committed any offence.

Learned APP, however, opposes the prayer for anticipatory bail and places reliance on Paragraphs 4, 5, 9 and 10 of the case diary stating therein that the petitioners along with other accused persons had resorted to firing and also inflicted serious blows on the informant and Upendra Mallah. However, the injury report, which finds place in Paragraph 30 of the case diary,

specifies that the injury is over the head but has been caused by hard blunt substance and simple in nature.

Since the allegation against petitioner nos. 1 and 2, named above, is general and omnibus, under such circumstances, in the event of arrest or surrender before the court below, within a period of eight weeks from today, they 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 Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 137/15, subject to the conditions as laid down under Section 438(2) Cr.P.C. However, it is made clear that since petitioner no. 1 i.e. Pintu Kumar Singh is implicated in another case of similar nature, if in future petitioner no. 1 is found to have indulged in a case of similar nature, the learned court below will be at liberty to cancel the bail bond of petitioner no. 1 without being prejudiced with this order.

(Nilu Agrawal, J)

Rajesh/-

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