

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10266 of 2016

Arising Out of PS.Case No. -113 Year- 2015 Thana -DAWATH District- SASARAM (ROHTAS)

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1. Kapil Singh son of late Birja Singh
 2. Kamal Kishore Singh son of Kapil Singh
 3. Umesh Singh son of Kapil Singh
 4. Raj Kishore Singh son of late Deen Bahal Singh
 5. Rahul Kumar son of Raj Kishore Singh
 6. Arbind Singh alias Arbind son of Raj Kishore Singh
 7. Raju Singh son of Raj Kishore Singh
- All residents of village Kawai, Police Station Dawath, District - Rohtas at Sasaram.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey

For the Opposite Party/s : Mr. Shailendra Kumar-I (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 03-03-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 307, 504 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that on 29.11.2015 at 11.00 A.M. co-accused Ramesh Singh scolded over the roof of the house of the informant and made five rounds of firing causing injury on the head, cheek and right hand of the

informant when the informant fell down over the roof of the house then other accused persons including the petitioners assaulted with danda and caused injury by pelting bricks and stones.

It is submitted by learned counsel for the petitioners that the specific accusation of firing is against co-accused Ramesh Singh. The impugned order suggests only three injury caused by firearm. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the informant that the accusation of assault has also been levelled against the petitioners but failed to submit with regard any other injury except firearm injury caused to the informant.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail provisionally for three months, in the event of 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 Sub-divisional Judicial Magistrate, Bikramganj, District – Rohtas at Sasaram in connection with

Dawath P.S. Case No. 113 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioners will be confirmed by the learned court below on verification of the injury report through the record, if the informant has not received any injury except firearm injury. But, if it is found that the informant has received any other injury apart from firearm injury then the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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