

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14467 of 2016

Arising Out of PS.Case No. -157 Year- 2014 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Bansh Narayan Singh @ Bnash Narayan Singh S/o Chandrama Singh R/o
Village Basantpur, 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. Harsh Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-I(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-04-2016

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner earlier moved for anticipatory bail, which
was rejected by a Coordinate Bench of this Court vide order dated
13.03.2015 passed in Cr. Misc. No. 39868 of 2014. Petitioner has
renewed his prayer for anticipatory bail by filing this application.

Petitioner apprehends his arrest in connection with
Mohania P.S. Case No. 157 of 2014 registered for offence
punishable under Section 307 and other allied sections of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 08.06.2014 at
8:00 A.M. while the informant along with her wife and nephew
was feeding the cow, accused persons armed with different
weapons attacked on them. It is further alleged that petitioner fired
upon the informant which did not hit him and thereafter petitioner

along with his two sons forcibly drowned the head of the informant under dirty water with intention to kill him.

It has been submitted by the counsel for the petitioner that petitioner is innocent and has falsely been implicated. He further submits that the informant's side is inimical to the petitioner's side regarding land dispute for which a counter case, bearing Mohania P.S. Case No. 158 of 2014 has been lodged against the informant's side for the same occurrence. He further submits that Section 307 of the Indian Penal Code has been superimposed, as no overt act has been alleged against this petitioner. Counsel for the petitioner submits that although there are three cases pending against the petitioner, but in one case i.e. Mohania P.S. Case No. 312 of 2007, final form has been submitted, and allegation has been found false against him and the other two complaint cases, bearing Complaint Case Nos. 533 of 2005 and 559 of 2008 are the counter blast to the cases filed by the petitioner's side. He further submits that the allegation as is evident from the First Information Report is of causing injuries, which are simple in nature and that investigation having been completed, chargesheet submitted, hence, there is no occasion of tampering with evidence.

However, learned A.P.P. for the State opposes the prayer for bail stating that the petitioner is named in the First

Information Report.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur in connection with Mohania P.S. Case No. 157 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

Arjun/-

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