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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23838 of 2016

Arising Out of PS.Case No. -100 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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1. Bhageshwar Thakur S/o late Jay Narayan Thakur
2. Pawan Thakur S/o late Jay Narayan Thakur
3. Rabindra Kumar Sharma S/o Rambilas Sharma. All are resident of Village- Harinath P.S. Phulparas Dist Mudhbani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-07-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Phulparas P.S. Case No. 100 of 2016 registered for offence punishable under Sections 307,379 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that while the informant was at his door, accused persons armed with weapons reached there and started abusing the informant and on the order of accused Gopal Thakur, accused Shyam Sundar Thakur made firing from pistol causing injury in his right leg, as a result of which he fell down. Thereafter, all the accused persons assaulted

the informant by means of lathi. The occurrence is said to have taken place due to previous enmity between the parties.

It has been submitted by the learned counsel for the petitioners that there is a land dispute between the parties. Both the parties are agnates and counter case has been filed by the petitioners earlier than the present case for the same incident on the same date bearing Phulparas P.S. Case No. 99 of 2016. He further submits that no case under Section 307 of the Indian Penal Code is made out against these petitioners as the accusation of firing has not been made against these petitioners and the only allegation against them is of assault by lathi. He further submits that petitioner no.1 has clean antecedent, but petitioner nos. 2 and 3 are involved in one another case.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is case and counter case, let petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Additional Chief

Judicial Magistrate, Jhanjharpur (Madhubani) in connection with Phulparas P.S. Case No. 100 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

Arjun/-

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