

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44066 of 2016

Arising Out of PS.Case No. -192 Year- 2016 Thana -GAYA GRP CASE District- GAYA

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1. Dhanajya Sharma @ Dhananjay Kumar Sharma, Son Late Amrendra Sharma
Resident of Mohalla-Ganga Mahal, P.S.- Kotwali, District-Gaya.
 2. Joginder Sharma @ Jogendra Sharma @ Yogendra Sharma Son of Ram Janam
Sharma, Resident of Kharkhura, Bhaluahi, P.S.- Delha, District-Gaya.
 3. Manish Sharma @ Manish Kumar, Son of Siyaram Sharma, Resident of New
Godown (Nai Godam) P.S.-Kotwali, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-10-2016

Heard learned counsel for the parties.

The petitioners apprehend arrest in connection with
Gaya Rail (GRPS Gaya) P.S. Case No. 192 of 2016 dated 23.07.2016
instituted under Sections 341/323/427/324/379/307 of the Indian
Penal Code and 27 of the Arms Act.

The allegation against the petitioners is of assault by
firearms on the informant party.

Learned counsel for the petitioners submits that they



are running a bus and due to the dispute by the informant side for forcing them to park the bus in the parking area taken on lease by the informant, the dispute has arisen. It is submitted that even the police has filed a case prior to the present case being Gaya Rail P.S. Case No. 191 of 2016 under Sections 307/353/379 of the Indian Penal Code and 27 of the Arms Act against the informant party and has also included the name of the petitioners because there was scuffle at the spot but it has also been stated in the said F.I.R. that the informant party came in three vehicles and arms were also recovered from those vehicles. Learned counsel submits that even earlier, the petitioners were made accused by the informant in Gaya Rail P.S. Case No. 191 of 2016 and besides that there is no other case against them. Learned counsel submits that the petitioners were not parking their vehicle inside the area of the informant because the rate was very high and they were being coerced due to which the incident has taken place.

Learned A.P.P. does not dispute the aforesaid position.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like

amount each to the satisfaction of the learned Railway Judicial Magistrate, Gaya in Gaya Rail (GRP) P.S. Case No. 192 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

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