

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47661 of 2015

Arising Out of PS.Case No. -177 Year- 2014 Thana -MAJHAHGARH District- GOPALGANJ

1. Nagmani Kushwaha S/o Bishram Bhagat
2. Ram Babu Prasad S/o Late Shiv Mangal Bhagat
Both residents of village - Dhobhwalia, P.S. Manjhagarh, District -
Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Madan Kumar (App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 29-01-2016 Heard Sri Om Prakash Pandey, learned counsel, who
was assisted by Sri Dewendra Narayan Singh, learned counsel for
the petitioners and Sri Madan Kumar, learned A.P.P.

Two petitioners apprehending their arrest in connection
with Manjhagarh P.S. Case No. 177 of 2014 registered for the
offence under Section 307 of the Indian Penal Code and Section
34 of the Explosive Substance Act, have prayed for grant of
anticipatory bail.

It was submitted by learned counsel for the petitioners
that F.I.R. was lodged on the information given by the grand
father of the victim which was recorded in the morning at 8.30

A.M. on 1.8.2014 in which the informant categorically disclosed that after hearing the sound of bomb he saw one person fleeing away. He had not identified the person. Subsequently after more than a week the victim was examined and victim due to land dispute with one Jai Prakash Prasad disclosed the name of Jai Prakash as well as his agnates who are none else but the petitioners. He submits that it is a case of false implication to wreak vengeance in respect of the land dispute.

In this case earlier case diary was called for which has been received.

Learned Additional Public Prosecutor has opposed the prayer of bail.

In view of specific facts disclosed in the F.I.R. wherein it was indicated that there was only one accused, the court feels that it is a fit case for grant of privilege of anticipatory bail.

In the event of arrest or surrender within a period of six weeks from today let both the petitioners Nagmani Kushwaha and Ram Babu Prasad be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Majhagarh P.S. Case

No. 177 of 2014 under the conditions as contemplated under
Section 438(2) Cr.P.C.

(Rakesh Kumar, J)

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