

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38255 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -JALALPUR District- SARAN

- =====
1. Bhulan Singh son of Chandradeo Singh
 2. Mohan Singh son of Bhulan Singh
- Both are resident of Village- Bharti Tola, P.S.- Jalalpur, District- Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Dr. Amrendra Kumar
Mr. Rajesh Roy

For the Opposite Party/s : Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 17-09-2016 Heard Dr. Amrendra Kumar, learned counsel, who was assisted by Sri Rajesh Roy, learned counsel for petitioners and learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Jalalpur P.S. Case No. 78 of 2016 registered for offences under Sections 147, 148, 149, 323, 324, 307, 379, 504, 506, 427 of the Indian Penal Code, have prayed for grant of bail in the event of their arrest or surrender.

It was submitted by learned counsel for petitioners that there was case and counter case in between the parties and informant side of the present case were aggressor. From the petitioners' side, on the same date, an F.I.R., vide Jalalpur P.S.

Case No. 79 of 2016, was registered for offences under Sections 147, 148, 149, 323, 324, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act, 1959. He submits that keeping in view the fact that informant side were aggressor, the petitioners deserve to be released on anticipatory bail.

However, from perusal of statement made in paragraph – 3 of the petition, it is evident that petitioner no. 1 (Bhulan Singh) is having criminal antecedent and there is specific accusation against petitioner no. 1 and as such, there is no point for extending the privilege of anticipatory bail to petitioner no. 1.

Accordingly, the prayer for grant of anticipatory bail to petitioner no. 1 (Bhulan Singh) stands rejected.

So far as petitioner no. 2 (Mohan Singh) is concerned, he is having clean antecedent, which fact has been mentioned in paragraph – 3 of the petition and there is no specific accusation against him.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner no. 2 namely Mohan Singh be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate - IX, Saran, Chapra in connection with Jalalpur P.S. Case No. 78 of

2016, subject to condition as laid down under Section 438(2) of
the Cr.P.C.

(Rakesh Kumar, J.)

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