

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13728 of 2017

Arising Out of PS.Case No. -101 Year- 2016 Thana -NAUTAN District- WEST
CHAMPARAN(BETTIAH)

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Sheikh Kamran, Son of Sheikh Jamil, resident of Village-Kunjalhi, P.S.
Nautan, District-West-Champaran, (Bettiah).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjit Jha, Advocate.

For the Opposite Party : Mr. Ram Priya Saran Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-05-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 23.05.2016
in connection with Nautan P.S. Case No. 101 of 2016 for the
offences instituted under Sections 147, 148, 149, 307, 323, 341,
504 of the IPC and 25(1-b)a, 26, 27 and 35 of the Arms Act.

The prosecution story, in brief, is that on 22.05.2016 at
about 10.30 A.M., all the seven FIR named accused persons
including the petitioner were forcibly getting earth field in the land
of the informant and when the informant forbade them to do so,
they started committing *marpit* with him by means of Lathi. On
the order of Gulshan Khatoon, this petitioner fired from pistol in



his hand upon the informant and when the informant forbade them to do so, they started committing *marpit* with him by means of Lathi. Co-accused Sheikh Jamil inflicted *Dabila* on the informant which was warded off by him from the hand.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 42198 of 2016 dated 03.10.2016 with an observation 'at this stage'. In light of the aforesaid observation, the present application has been preferred on behalf of the petitioner.

It has been submitted on behalf of learned counsel for the petitioner that the petitioner is in custody since 23.05.2016. The charge sheet has already been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of the witnesses alleged against the petitioner. It is a case and counter case between the parties. There is a land dispute also among the parties. The petitioner's side has also sustained injury which has not been explained by the prosecution.

On behalf of learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. and he has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on bail on furnishing bail bond



of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIth, West Champaran at Bettiah in connection with Nautan Town P.S. Case No. 101 of 2016.

(Sudhir Singh, J)

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