

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48281 of 2017

Arising Out of PS.Case No. -240 Year- 2017 Thana -MASAURHI District- PATNA

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1. Sonu Singh son of Laxmi Narain Singh.
 2. Sunny Singh son of Prem Singh @ Chunni Singh.
 3. Laxmi Narain Singh son of Avilakh Singh.
 4. Amritesh Singh @ Tinku son of Ravindra Singh, all are resident of Village- Sharwan, P.S.- Masaurhi, District- Patna.
 5. Dipu Singh, son of late Raghu Bansh Singh resident of Veer Kunwar Colony, P.S. Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 17-10-2017

Learned counsel for the petitioners submits that petitioner no.1, Sonu Singh and petitioner no.3, Laxmi Narain Singh, have already been arrested and seeks permission to withdraw the application in so far as it relates to petitioner nos.1 and 3.

Accordingly, the application is dismissed as withdrawn in so far as it relates to petitioner nos.1 and 3.

Heard learned counsel for rest of the petitioners and learned APP for the State.

Petitioners apprehend their arrest in **Masaurhi P.S. Case No.240 of 2017** instituted for the offence under Section(s) 307 and other allied Sections of Indian Penal Code and Section



27 of the Arms Act.

It has been submitted that instant case has been lodged on account of land dispute. There was proceeding under Section 144 Cr. P.C., which was violated by the Informant. Wife of the petitioner No.3 has filed Masaurhi P.S. Case No.241 of 2017 against the Informant and others. In the instant case, allegation against petitioner no.1, Sonu Singh, is that he assaulted the Informant with sword on his neck. Allegation against petitioner no.2, Sunny Singh, is that he assaulted the son of the informant with iron rod.

From the order of the Additional Sessions Judge, it appears that no injury report was produced in the Court below on behalf of the prosecution.

In the facts and circumstances of the case, prayer of the petitioner nos.2, 4 and 5 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner nos.2, 4 and 5, named above, within six weeks from today in connection with **Masaurhi P.S. Case No.240 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Judicial Magistrate, 1st class, Masaurhi, Patna**, subject to the conditions as laid down under Section



438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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