

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42202 of 2017

Arising Out of PS.Case No. -218 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Lallan Singh, Son of Late Kesho Prasad Singh.
2. Vishnu Kumar alias Vikash Kumar, Son of Lallan Singh, Both resident
of Village- Sisirit Tola, P.S.- Nokha (Dharmapura), District- Rohtas at
Sasaram. Petitioner/s

Versus

The State of Bihar. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-10-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners seek bail in connection with Nokha
(Dharmapura) P.S. Case No. 218 of 2017 for offences punishable
under Sections 147, 148, 149, 341, 323, 324, 307 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his younger brother Ramashray Singh were
measuring their field, the petitioners along with seven others
assaulted them and their family members. The allegation upon the
petitioner no. 1 is of firing and hitting the informant and his
brother with lathi and iron rod. The allegation upon the petitioner
no. 2 is of hitting the informant and his brother by means of



‘Gahdal’ and iron rod.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. In fact there was a property dispute between both sides for which Nokha P.S. Case No. 219 of 2017 has been lodged by the petitioner’s side under Section 307 and other allied sections of the Indian Penal Code and petitioners’ side also received injury. He submits that the informant’s side has also lodged Nokha P.S. Case No. 213 of 2016 against the petitioners’ side. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners and that the petitioners are languishing in judicial custody since 16.07.2017.

However, learned counsel for the informant and learned APP for the State oppose the prayer for bail stating therein that both informant and his younger brother sustained injury on the skull and parts of the body and injury on the informant and his brother have been found to be grievous in nature.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on completion of six months in custody on furnishing bail



bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram in connection with Nokha (Dharmapura) P.S. Case No. 218 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.
- (2) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.
- (3) It is also made clear that if the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.
- (4) The petitioners will not induce or tamper with the prosecution witnesses.

(Nilu Agrawal, J)

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