

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45606 of 2017

Arising Out of PS.Case No. -365 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Arbind Kumar, Son of Dasarath Prasad.
 2. Gangandeo Prasad, Son of Jagdish Prasad.
 3. Dasarath Prasad, Son of late Rameshwar Prasad.
 4. Bangali Prasad, Son of Gyanchand Prasad.
 5. Jagdish Prasad, Son of late Rameshwar Prasad.
 6. Jyoti Narayan Prasad, Son of Rameshwar Prasad.
 7. Mohan Prasad, Son of Motilal Prasad.
 8. Shyamnandan @ Shyamnandan Prasad, Son of Paras Prasad.
 9. Motilal Prasad, Son of late Thakur Mahto.
 10. Dinesh Kumar, Son of Motilal Prasad. All are resident of Village-
Gorhwa, Sanichara Tola, Police Station: Motihari Muffassil, District
East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dilip Kumar Tondon, Advocate.
For the Opposite Party : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-10-2017 Learned counsel for the petitioners is permitted to
make necessary correction in paragraph no. 1 of the petition, in
course of day.

Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 148, 149, 323, 307,
379, 387, 504, 506 of the IPC, 27 of the Arms Act and 33 of the



Forest Act.

The prosecution story, in brief, is that the informant alleged that on 05.06.2017 his son received a telephonic call threatening him to give up land and trees otherwise be ready to face consequences or pay Rs. 5,00,000/-. Therefore, the informant went to the house of co-accused Arbind Kumar and Dasrath Prasad to make a complaint and returned house but in the evening co-accused Arbind Kumar and Gagandeo Prasad came to the house of informant and opened fire and demanded Rangdari for which the informant organized a Panchayati but failed. It is further alleged that on 11.06.20167 the accused persons having deadly weapon in their hands and cut the six trees and on protest co-accused Arbind Kumar fired upon the informant's son but did not hit.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is land dispute between the parties. Partition Suit is also pending in the court below between the parties. Both parties are agnates. No injury has been caused to any one in course of occurrence.



On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R/ complaint case and there is allegation of firing against the petitioner nos. 1 and 2.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner nos. 1 and 2 i.e. Arbind Kumar and Gagandeo Prasad. The same is rejected in connection with Motihari Mufassil P.S. Case No. 365 of 2017, pending in the court of learned C.J.M. Motihari. If the petitioner nos. 1 and 2 surrender in the court below within a period of six weeks from today and file regular bail, the same shall be considered preferably on the same day on its own merit without being prejudiced by the order of this Court taking into account that none is said to have been injured in course of occurrence.

So far as petitioner nos. 3 to 10 are concerned, let the petitioner nos. 3 to 10 above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Motihari, in connection with Motihari Mufassil P.S. Case No. 365 of 2017, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

