

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41102 of 2018

Arising Out of PS.Case No. -21 Year- 2017 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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1. Prince Kumar @ Binit Kumar, Son of Anil Kumar Singh,
2. Anil Kumar Singh, Son of Late Badan Singh,
3. Raja Kumar @ Navneet Kumar, Son of Sunil Kumar Singh,
4. Kunal Kumar Singh, Son of Ajay Kumar @ Tunna Singh,
5. Sunil Kumar Singh, Son of Late Badan Singh, All resident of Village-
Kasturi, P.S.- Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh

For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-07-2018 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Bhagwanpur Police Station Case No. 21 of 2017,
disclosing offences under Sections 341, 342, 323, 306, 307,
385, 354/34 of the Indian Penal Code and Section 27 of the
Arms Act

Allegation is that petitioner no. 2 fired on the
informant on the order of petitioner no. 5, causing injury to
informant and petitioner nos. 1, 3 and 5 also named in the F.I.R
and allegation against petitioner no. 4 is that he pressed the



neck of the informant.

Learned Counsel for the petitioners has submitted that so far petitioner nos. 1, 3, 4 and 5 are concerned only general and omnibus allegation has been leveled and though it is alleged that petitioner no. 4 pressed the neck of informant, however, no such injury was found and so far petitioner no. 2 is concerned, he has also falsely been made accused in this case due to old land dispute and further the allegation under Section 385 and 354 is ornamental and has been added only to make the offence graver.

Having heard both sides, so far petitioner no. 2 is concerned, considering the facts and circumstances of the case as well as direct allegation of firing against him, I am not inclined to grant privilege of anticipatory bail to petitioner no. 2 rather he should surrender before the court below and pray for regular bail which will be decided on the merit of the case.

So far other petitioners viz. petitioner nos. 1, 3, 4 and 5 are concerned, in the event of their arrest or surrender before the Court below within six weeks, they are directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -III,



Vaishali at Hajipur, in connection with Bhagwanpur Police Station Case No. 21 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure., it is further subject to the condition that:-

I. One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the court concerned.

II. The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event on failure of their part to appear before the police on two consecutive dates, the prosecution will be free to move for cancellation of their bail bonds.

With the above observation and direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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