

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64143 of 2018

Arising Out of PS. Case No.-135 Year-2018 Thana- PAKRIDAYAL District- East Champaran

1. Rama Shankar Sah @ Ramashankar Prasad @ Ramashankar, Son of Banarsi Sah
 2. Hari Shankar Prasad @ Hari Shankar Son of Banarsi Sah
 3. Rajeshwar Sah @ Rameshwar Sah Son of Banarsi Sah
 4. Banarsi Sah @ Banarsi Prasad @ Anarsi Prasad Son of late Rajdhari Sah
- All Resident of Village- Sundarpatti, Police Station- Pakaridayal, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the Opposite Party/s	:	Mr. Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 12-12-2018 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

At the very outset, it is pointed out on behalf of the petitioners that petitioner no. 2, namely, Hari Shankar Prasad @ Hari Shankar has already been arrested during the pendency of this application and, accordingly, his prayer for anticipatory bail has become infructuous.

In view of the aforesaid submission, the prayer for anticipatory bail of petitioner no. 2, namely, Hari Shankar Prasad @ Hari Shankar stands dismissed being infructuous.

Petitioner Nos. 1, 3 and 4 apprehends their arrest in



connection with Pakaridayal P.S. Case No. 135/2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The written report of the informant reveals that there was land dispute between the parties and, moreover, it was co-accused Ramjee Sah, who is said to have opened fire on injured Badri Sah. No doubt, the informant claims that petitioners had also participated in the alleged crime but no specific overt act has been attributed against them. The impugned order of learned Sessions Judge goes to show that injured has sustained simple injury.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner no. 1, namely, Rama Shankar Sah @ Ramashankar Prasad @ Ramashankar, petitioner no. 3, namely, Rajeshwar Sah @ Rameshwar Sah and petitioner no. 4, namely, Banarsi Sah @ Banarsi Prasad @ Anarsi Prasad, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail 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-V, Motihari (East Chamapran) in
Pakaridayal P.S. Case No. 135/2018, subject to conditions as
laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

Spd/-

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