

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62220 of 2017

Arising Out of PS.Case No. -80 Year- 2017 Thana -MAINATAND District-
WESTCHAMPARAN(BETTIAH)

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1. Prahlad Ram son of Late Gudar Ram
2. Binod Paswan son of Yamuna Paswan
3. Bunni Mahto son of Late Kishun Mahto
4. Banhu Ram son of Late Gudar Ram All are residents of village - Bahuarwa, Police Station - Purusottampur, District - West Champaran.
5. Awadh Mahto son of Late Satyanarayan Mahto Resident of Village - Sakraul Police Station - Inerwa, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2018 Heard the learned counsel for the petitioners and learned counsel for the State.

The petitioners seek anticipatory bail in connection with Mainatand PS case no. 80 of 2017 dated 12.7.2017 registered for the offences punishable under Sections 188, 382, 34 of the Indian Penal Code and section 27 of the Arms Act.

The allegation is regarding the accused persons ploughing the land of the informant by means of a tractor and when the informant had stopped them from doing so, the accused persons are said to have fired from their gun.

The learned counsel for the petitioner submits that the



informant has received no injury and even in the impugned order dated 31.10.2017, it has been mentioned that no empty cartridge was recovered from the place of occurrence. It is further submitted that the trial court can verify as to whether any injury has been sustained by the informant or not.

Having regard to the facts and circumstances of the case, the learned trial court shall verify as to whether the informant had received injury or not.

Having regard to the facts and circumstances of the case it is directed that in the event of surrender by the petitioner within six weeks, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- each within two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 80 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

It is clarified that at the time of surrender by the petitioner, the learned trial court shall grant provisional anticipatory bail to the petitioner, which shall be confirmed only after verification of the injury report and in case injury is found on the person of the informant, the privilege of anticipatory bail shall



stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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