

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37694 of 2018

Arising Out of PS. Case No.-178 Year-2017 Thana- KOCHAS District- Rohtas

Dularchand Sah son of late Jagaranath Sah R/o village Mahavirganj P.S.
Kuchas (Parsathua), District Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 52721 of 2018

Arising Out of PS. Case No.-178 Year-2017 Thana- KOCHAS District- Rohtas

Anand Kumar @ Anand Kumar Gupta Son of Late Ramashankar Gupta,
Resident of Mohalla- New Area Mangala Bhagwan, P.O.+ P.S. Sasaram (T),
District Rohtas. Permanent Address- Village- Mahabir Ganj, P.S.- Parsathua
(Kochas), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 37694 of 2018)

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

(In Criminal Miscellaneous No. 52721 of 2018)

For the Petitioner/s : Mr. Rameshwar Singh

For the Opposite Party/s : Mr. Sri Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 10-09-2018 Since both the cases arise from same P.S. as such
they are taken up together for consideration.

Heard learned counsel for petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in



connection with S. Tr. No. 159 of 2018 arising out of Kochas (Parsathuwa) P.S. Case No. 178 of 2017 registered for the offences punishable under Sections 341, 323, 307, 302, 120(B), 109, 504 of the I.P.C. and Section 27 of Arms Act.

Informant in his written complaint has stated that on 16.11.2017 at about 12 A.M. night informant, his mother and father were sleeping at their Mill where 5-6 persons arrived and asked about the informant who were in the room of the Mill, the father of the informant had not disclosed about the informant thereafter Sitaram Sah and Anand Sah (petitioner) order to kill him thereon Shivnand Gupta fired on leg of his father and thereafter Dularchand Sah (petitioner) fired which caused injury on his backside.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to previous enmity and land dispute. Similarly placed co-accused Sitaram Sah has been granted bail by another co-ordinate Bench of this court in Cr. Misc. No. 25720 of 2018 vide order dated 20.07.2018.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner namely, Dularchand Sah on bail. Hence, the prayer for bail of the



petitioner **Dularchand Sah** is hereby rejected.

So far as petitioner namely, **Anand Kumar @ Anand Kumar Gupta** is concerned since he is a order giver, is directed to be **released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand)** with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Kochas (Parsathua) P.S. Case No. 178 of 2017.

(S. Kumar, J.)

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