

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38130 of 2018

Arising Out of PS. Case No.-264 Year-2016 Thana- GAURICHAK District- Patna

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1. Anish Kumar, Son of Sideshwar Singh.
 2. Jay Prakash Kumar @ Bhajan @ Jay Prakash Singh, Son of Late Deep Narayan Singh, Both resident of Village- Abgeela, P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 384/34 of the IPC.

The prosecution case as per the written report of Vikash Kumar dated 11.11.2016 submitted to the SHO, Gaurichak Police Station is to the effect that on the same day at 2 P.M., when Suresh Manjhi was ploughing the field of the informant, in the meantime, petitioners and co-accused Sidheshwar Singh came variously armed with pistol and starting firing while petitioner no. 1 caught hold of the collar of the shirt of the informant and petitioner no. 2 started assaulting him with fists and slaps. The petitioners demanded extortion of Rupees Ten Lacs for allowing the informant to plough the field. On protest



being made, both the petitioners pushed the informant on the ground and petitioner no. 1 took out one gold chain and one gold ring from the informant. The informant somehow managed to relieve himself from the clutches of the petitioners, but the petitioners resorted to fire on the informant while chasing him.

It is submitted by learned counsel for the petitioners that the in the background of land dispute, the accusation has been levelled. Admittedly, no injury has been caused to the informant and the nature of injury suggests that though the petitioners were armed with pistol, but they assaulted the informant with fists and slaps, which suggests that they had no intention to kill the informant. It is further submitted that no fire arm was seized. It is further submitted that the petitioner no. 1 is accused in one other case filed by the informant side but he is on bail in that case. It is also submitted that even assuming the accusation to be true, no offence under Sections 307 and 384 of the IPC is made out.

Learned APP submits that there is specific accusation against the petitioners.

Considering the accusation levelled in the background of land dispute and even assuming the accusation to be true, no offence under Sections 307 and 384 of the IPC is made out, let



the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Patna City, in connection with Gaurichak P.S. Case No. 264 of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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