

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33099 of 2018

Arising Out of PS. Case No.-51 Year-2018 Thana- CHAND District- Bhabhua (Kaimur)

1. Ramesh Singh @ Ramesh Kumar Singh Son of Late Potan Singh,
2. Mahendra Singh Son of Late Potan Singh,
3. Gopal Singh, Son of Late Potan Singh,
4. Indal Kumar @ Indal Kumar Patel Son of Late Manik Singh,
5. Dilip Kumar @ Dileep Kumkar Son of Gopal Singh all Residents of Village- Badahriya, Police Station- Chand, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 19-07-2018 Heard the learned counsel for the petitioners, informant and the State.

The petitioners seek bail in anticipation of their arrest in connection with Chand P.S. Case No. 51 of 2018 dated 02.03.2018 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners, some of whom are said to be armed with guns and others with sharp cutting weapons are alleged to have fired at the informant and others. This led to injuries on the person of the informant and others. The allegation in the FIR is of further assault to them. Some of the accused persons including the



petitioners are said to have fired at the informant and others.

Learned counsel for the petitioners has submitted that though there is specific allegation of firing by the accused persons but the injuries suffered by the informant and others are all caused by hard and blunt substances. Two of such injuries are on the vital portion of the body of one of the injured persons and the injury is in the nature of incised wound.

Learned counsel for the petitioner has further submitted that earlier a case was lodged by the petitioner no. 2 against the informant vide Chand P.S. Case No. 50 of 2018 which also was instituted for the offences under Section 307 and other Sections of the IPC and under Section 27 of the Arms Act. In the aforesaid case, some of the petitioners here had received injuries.

Mr. Tribhuwan Narayan, learned counsel for the informant has however informed this court that because of the incised wound suffered on the vital portion of the body of one of the injured persons, he had to be referred to Varanasi for treatment. He has, while opposing the prayer of anticipatory bail of the petitioners, further referred to the fact that the petitioners were earlier made accused in connection with Chand P.S. Case No. 65 of 2011.



From the perusal of the FIR as also from the investigation report, it appears that there was no gun shot injury on the person of the informant.

In that view of the matter, the basic allegation leveled in the FIR appears to be false. The earlier case lodged against the petitioners are for minor offences viz. under Sections 341, 323 and 504/34 of the Indian Penal Code. There is a history of land dispute between the parties.

Considering the aforesaid facts, the petitioners above named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 4th Additional Chief Judicial Magistrate, Kaimur at Bhabua in connection with Chand P.S. Case No. 51 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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