

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41727 of 2018

Arising Out of PS. Case No.-88 Year-2018 Thana- BRAHMPUR District- Buxar

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1. Niraj Kumar Singh @ Niraj @ Niraj Singh, Son of Hira Singh
2. Shiv Pratap Singh, Son of late Hare Ram Singh Both are
Resident of Village- Arak (Pashchim Tola), P.S.
Brahmpur(Krishna Brahm), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Choubey, Advocate
For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and the State.

The petitioners apprehend arrest in Brahmpur
(Krishna Brahm) P.S. Case No. 88 of 2018 instituted for the
offence under Sections 147,148,149,341,323,307,504 of the IPC
and Section 27 of the Arms Act.

It is submitted with regard to the petitioners that
there is no specific allegation of overt act against these
petitioners. There is specific allegation against co-accused Raju
Singh of assaulting the informant on chest with butt of the rifle.
It is alleged that these petitioners made firing. The learned
Sessions Judge has mentioned in the impugned order that no
fire-arm injury was found on the person of injured. The injury
was found caused by hard and blunt substance on the person of



injured.

Learned counsel for the informant has appeared and opposed the prayer of anticipatory bail of petitioner.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Brahmpur (Krishna Brahm) P.S. Case No. 88 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Buxar, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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