

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68048 of 2018

Arising Out of PS. Case No.-271 Year-2018 Thana- SAHPUR District- Bhojpur

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1. Sonu Rai @ Sonu Kumar, Son of Srikishun Rai, Resident of Village- Bahorapur.
 2. Devanand Thakur @ Tunnu Thakur, Son of Ramdeo Thakur, Resident of Village- Gaura, Both of P.S.- Bahorampur O.P., District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Singh
For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 353, 307, 384 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in brief, is that in the backdrop of lifting sand, some assembling of anti-social element was informed and in consequence thereof, the informant with police personnel reached at the P.O. and saw some persons armed with deadly weapon. On call to surrender before the police, the accused persons started firing.

It has been submitted on behalf of the petitioners that the



petitioner No. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The alleged incident relates to lifting of sand. No specific overt act has been attributed to petitioners. None is said to have been injured in course of the occurrence. As per the F.I.R. there is recovery of arms from house of one Sonu Rai but in the case diary, there is no such seizure list in respect of house of Sonu Rai.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R. The petitioner No. 2 has five other cases in his credit.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner No. 2. Accordingly, prayer for anticipatory bail of the petitioner No. 2 is rejected.

If the petitioner No. 2 surrenders in the court below and seek regular bail, the same shall be considered on its own merit without being prejudiced by this order.

Let the petitioner No. 1, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Ara in connection with Shahpur (Bahoranpur) P.S. Case No. 271 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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