

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26946 of 2018

Arising Out of PS. Case No.-390 Year-2015 Thana- TURKAULIYA District- East
Champaran

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1. Ajay Kumar Singh @ Raju Singh Son of Late Mathura Singh
Resident of Mohalla Chandmari, P.S. Motihari Town, District -
East Champaran.
 2. Balister Singh Son of Late Mathura Singh Resident of Villae
Parsauna Tola Tapsi, P.S. Palanwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar
For the Opposite Party/s : Mr. Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are apprehending their
arrest in connection with Turkauliya (Banjariya) P.S. Case No.
390 of 2015 registered for offences under sections 147, 148,
341, 323, 307, 385, 504, 506 of the Indian Penal Code and
Section 27 of the Arms Act.

As per allegation made in the First Information
Report, on 16.5.2015 at 5 PM, the Informant was making
measurement and constructing pillars over the land bearing plot
no. 886 under Khata No. 67, in the meantime, the petitioners
and other co-accused persons including 10-12 unknown persons



came there with different weapons and started abusing and stopped the measurement. It has further been alleged that accused Dharmendra Singh demanded extortion of Rs. 10 lacs for taking possession over the land, in question, and they have also given threaten to the Informant.

Allegation has been made against Ajay Kumar to have fired with a country made pistol upon the Informant's son but, the same was misfired.

Learned counsel for the petitioners submits that the petitioners have purchased the land and have also filed title suit. The aggression has come from the side of the Informant. The firing made by the petitioner Ajay Kumar did not hit any person. Further said that there is no direct allegation against Balister Singh, the petitioner no.2.

Already, a civil suit is going on between the party with respect to taking possession and both the sides are intending to take peaceful possession of the land.

Looking to the entire facts and circumstances of the case, let the petitioners, namely, Ajay Kumar Singh @ Raju Singh and Balister Singh, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Turkauliya (Banjaria) P.S. Case No. 390 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been cancelled.

(Shivaji Pandey, J)

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